

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

DONNA CURLING, ET AL., )  
)  
Plaintiffs, )  
)  
vs. ) CIVIL ACTION NO.  
)  
BRAD RAFFENSPERGER, ET ) 1:17-CV-2989-AT  
AL, )  
)  
Defendants. )

THIS DEPOSITION CONTAINS INFORMATION DESIGNATED  
CONFIDENTIAL SUBJECT TO PROTECTIVE ORDER

VIDEOTAPED 30(b)(6) DEPOSITION OF RICHARD BARRON  
(Taken by Plaintiffs)  
January 31, 2022  
10:07 a.m.

Reported by: Debra M. Druzisky, CCR-B-1848

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18  
19  
20  
21  
22  
23  
24  
25

Also Present:

Akil Wade, videographer  
Marilyn R. Marks

--oOo--

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1 THE VIDEOGRAPHER: Today's date is  
2 January 31st, 2022, and the time is 10:07  
3 a.m. This will be the 30(b)(6) deposition  
4 of Fulton County, given by Richard Barron.

5 Would the counsel please identify  
6 themselves for the record, after which the  
7 court reporter will swear in the witness  
8 remotely?

9 MR. KNAPP: Thank you. My name's  
10 Halsey Knapp with the Krevolin & Horst law  
11 firm here in Atlanta, Georgia. My  
12 colleague, Adam Sparks, is with us here  
13 today, and I believe my co-counsel David  
14 Cross of the Morrison & Foerster law firm.

15 MS. RINGER: Cheryl Ringer  
16 representing Fulton County Board of  
17 Registration and Elections and Richard  
18 Barron.

19 MS. LAROSS: Diane LaRoss for the  
20 state defendants. I believe Carey Miller  
21 is also on the line with us.

22 MS. RINGER: And I forgot to  
23 identify --

24 MS. MARKS: This is --

25 MS. RINGER: -- my co-counsel, David

1 Lowman, also with Fulton County.

2 MS. MARKS: This is Marilyn Marks  
3 with Coalition for Good Governance, a  
4 plaintiff.

5 RICHARD BARRON,  
6 having been first duly sworn, was examined and  
7 testified as follows:

8 EXAMINATION

9 BY MR. KNAPP:

10 Q. Mr. Barron, my name's Halsey Knapp, and  
11 I'll be asking questions at the beginning of this  
12 deposition. I expect it's going to take a period  
13 of time.

14 I understand you've been deposed before.  
15 Is that correct?

16 A. Yes.

17 Q. Let's go over the ground rules to make  
18 sure that we both have a clear understanding of how  
19 we're going to proceed here.

20 First of all, you're entitled to a fair  
21 question. So if I ask a question that's confusing  
22 or uses terminology that you don't understand upon  
23 or is ambiguous in some way that causes you  
24 concern, would you please point that out to me and  
25 I'll rephrase my question?

1           A.     Sure.

2           Q.     Second, it's important for you to  
3     articulate your responses. And even though I  
4     believe we're being recorded, it's important not to  
5     have nods of the head that -- or other  
6     gesticulations, but rather articulated responses to  
7     our questions.

8                     Is that agreeable?

9           A.     Yes.

10          Q.     If you need to take a break, I'll be glad  
11     to allow you to -- for us to suspend the  
12     proceedings momentarily and allow you to take a  
13     break. I generally like to take a break every  
14     hour. I think it's only fair for everybody to get  
15     a short couple minutes to clear our head and come  
16     back in.

17                    But should you need a break, please let us  
18     know. And to the extent that there's not a  
19     question pending at the time, we will honor that  
20     request.

21                    One of the most common issues that arises  
22     in a deposition is for the witnesses [sic] to talk  
23     over each other. I hope we don't have that issue  
24     here today.

25                    I would ask that you pause before you



1       respond to my questions, and I will try to pause  
2       before I ask any follow-up. But that's for the  
3       benefit of our court reporter so she can take down  
4       a clean record.

5               Can we agree to that approach?

6           A.    Yes.

7           Q.    Okay. I understand you're there with your  
8       laptop. Do you have your E-mail open?

9           A.    Yes.

10          Q.    Do you mind closing your E-mail while this  
11       deposition is ongoing? The same for a social media  
12       chat and the like?

13          A.    Okay. All right.

14          Q.    Okay. I want to begin with clarifying  
15       exactly what subjects you are -- you understand  
16       you're here to testify about today. You do  
17       understand that you're a representative of Fulton  
18       County appearing in this deposition; is that  
19       correct?

20          A.    Yes.

21          Q.    Okay. And I understand from counsel prior  
22       to you came on that there were certain subjects  
23       that you've been designated to testify about. I'd  
24       like to go over that list with you to be sure that  
25       your understanding is the same as your counsel's.

1 MR. KNAPP: Adam, can you bring up --  
2 excuse me? Did someone say something?  
3 Noted. Okay.

4 Adam, could you bring up Exhibit  
5 Number 1, which is the Third Amended  
6 Notice of Deposition of Fulton County  
7 witnesses?

8 (Whereupon, Plaintiff's  
9 Exhibit 1 was marked for  
10 identification.)

11 MR. SPARKS: Yes. Exhibit 1 should  
12 now appear on your screen. It's in the  
13 Marked Exhibits folder.

14 BY MR. KNAPP:

15 Q. Mr. Barron, can you see the first page of  
16 this exhibit that's being published on the screen  
17 here?

18 A. Yes.

19 Q. Okay. Can we turn to Page 5, which is  
20 where the topics in this notice are -- begin?  
21 Okay. Do you see topic number one:

22 "Any efforts made to air gap any  
23 components of Georgia's current  
24 election system as used in Fulton  
25 County" --

1 A. Yes.

2 Q. -- "and the success or failure of  
3 any such efforts"?

4 A. Yes.

5 Q. Do you understand that you've been  
6 designated to testify to this subject?

7 A. Yes.

8 Q. Okay. Look at the second topic:

9 "Any connections (direct or  
10 indirect), interactions or other  
11 actual or potential exchanges of  
12 software or data between Georgia's  
13 current election system as used in  
14 Fulton County and any other computer  
15 system or device via the Internet,  
16 telephone lines, cable lines,  
17 satellites or other third-party  
18 system, network, equipment or  
19 devices."

20 A. Yep.

21 Q. Do you understand that you've been  
22 designation to speak to this topic as well?

23 A. Yes.

24 Q. Okay. Let's go to number four, which is:

25 [As read] "Any oper -- execution

1 or operational issues or challenges  
2 with Georgia's current election system  
3 involving any Fulton County 2020 or  
4 2021 elections, any solutions or other  
5 measures implemented, planned or  
6 contemplated to resolve, remediate,  
7 mitigate or otherwise address any such  
8 issues or challenges, and the success  
9 or failure of any such efforts."

10 Do you see that topic?

11 A. Yes.

12 Q. Do you understand that you've been  
13 designated to speak to that topic?

14 A. Yes.

15 Q. Let's go then to topic number five:

16 "Any communications with the  
17 Secretary of State about the  
18 implementation and operation of the  
19 election system in Fulton County."

20 Do you see that topic?

21 A. Yes.

22 Q. Do you understand that you've been  
23 designated to speak to that topic?

24 A. Yes.

25 Q. Let's go to number nine. I'm not going to

1 read number nine because it's quite extensive. It  
2 goes on subparts A, B, C and D. But can you read  
3 that for the moment? And then after you've read  
4 it, will you please advise us whether you  
5 understand that you've been designated on behalf of  
6 Fulton County to cover it?

7 A. I'm familiar with it. I mean, I recognize  
8 that. So yeah, that's fine.

9 Q. Okay. And you are -- and you understand  
10 that you're to testify to that here today?

11 A. Yes.

12 Q. Okay. Let's look at number ten:

13 [As read] "Complaints regarding  
14 the security, integrity, reliability,  
15 accuracy or transparency of Georgia's  
16 current election system or its  
17 G.E.M.S./D.R.E. election system,  
18 including when and by whom such  
19 complaints were made and" any  
20 responses -- "including any responses  
21 thereto."

22 Do you see that?

23 A. Yes.

24 Q. And do you understand that you are  
25 testifying here today on behalf of Fulton County

1 with regard to that topic?

2 A. Yes.

3 Q. Okay. Let's go to number 18:

4 "Communication with the U.S.

5 Election Assistance Commission

6 regarding any software changes

7 involving Georgia's current election

8 system" --

9 A. Yes.

10 Q. -- "or otherwise relating to any

11 request for E.A.C. approval for any

12 aspect of Georgia's current election

13 system."

14 A. Yeah. I understand.

15 Q. Okay. And you're here to testify with

16 regard to that topic; correct?

17 A. Yes.

18 Q. How about number 19? It's also long and

19 with subparts A through D. And I'll ask you to

20 read that and then answer the same question with

21 regard to topic number 19.

22 (Whereupon, the document was

23 reviewed by the witness.)

24 THE WITNESS: Yes, I know about this

25 one, that I'm here to testify on that one.

1 BY MR. KNAPP:

2 Q. Great.

3 Number 20:

4 "Any actual or contemplated plans  
5 to replace Georgia's current voting  
6 software or equipment in Fulton County  
7 with different voting software or  
8 equipment, such as B.M.D.s that do not  
9 generate barcodes for tabulation, or  
10 with hand-marked paper ballots as the  
11 primary means of in-person voting."

12 A. I understand that one, too.

13 Q. Okay. And are you here to testify with  
14 regard to that subject?

15 A. Yes.

16 Q. 21, again, it has several subparts, so  
17 I'll ask you to read 21A and B and then answer the  
18 same question with regard to topic 21.

19 (Whereupon, the document was  
20 reviewed by the witness.)

21 THE WITNESS: Yeah, I understand that  
22 I'm here to testify on that.

23 BY MR. KNAPP:

24 Q. Great. Thank you.

25 And then number 22:

1 "Any recommendations from Fulton  
2 County to the Secretary of State to  
3 make changes to the election system,  
4 including, but not limited to,  
5 switching to hand-marked paper  
6 ballots."

7 Do you see that topic?

8 A. Yes.

9 Q. Do you understand that you're here today  
10 to testify on behalf of Fulton County with regard  
11 to that topic?

12 A. Yes.

13 MS. RINGER: Halsey, I don't -- I  
14 don't think we designated him for that,  
15 but you can go ahead and question him on  
16 that. He's already answered.

17 MR. KNAPP: Oh, okay.

18 MS. RINGER: Okay.

19 MR. KNAPP: Why I had some confusion  
20 is because it -- in the earlier part of  
21 the 30(b)(6) deposition at Page 5, and  
22 this is directed to your counsel --

23 MS. RINGER: Uh-huh.

24 MR. KNAPP: -- it says that counsel  
25 of record had already confirmed numbers



1           also 22, 23, 24, 25 and 26 on --

2           MS. RINGER:   Okay.

3           MR. KNAPP:   -- Monday, January 31st.

4           So I'm trying to reconcile that  
5           discrepancy.

6           MS. RINGER:   Got you.   Okay.

7           MR. KNAPP:   Let me just start with  
8           you, Counsel.   Is it -- or do you intend  
9           to tender Mr. Barron to speak to 23  
10          through 26 here today?

11          MS. RINGER:   Well, I do remember us  
12          having some issues with whether or not  
13          they were relevant.   But if anyone could  
14          speak -- if there was anything.   But if  
15          anyone could speak to it, it would be  
16          Mr. Barron.   So yes, we'll -- yes, we'll  
17          tender him for those.

18          MR. KNAPP:   Okay.   Thank you.

19   BY MR. KNAPP:

20          Q.   Now, you've testified in several hearings  
21          before Judge Totenberg.   And I don't want to cover  
22          old ground, but I do need to get a little bit of  
23          background on your employment history.

24          Mr. Barron, would you share with us your  
25          employment history?

1 A. Just with Fulton County or all of it?

2 Q. All of it that's relevant, do you believe,  
3 to election administration --

4 A. Okay.

5 Q. -- representing companies that are  
6 involved in --

7 A. Sure.

8 Q. -- the manufacture or sale of election  
9 equipment.

10 A. Yeah. So I've been with Fulton County  
11 since June of 2013 as director. Prior to that I  
12 was with Williamson County, Texas as the elections  
13 administrator from February of '07 until June of  
14 2013.

15 I was with Hart InterCivic in 2006 for  
16 that entire year, from January 1st to the end of  
17 the year. Before that, I was with Sequoia Voting  
18 Systems from April of 20 -- April of 2004, I think,  
19 to the end of 2005.

20 And then from December of '99 until April  
21 of 2004, I was with Williamson Count -- or with  
22 Travis County elections as election management  
23 coordinator. And with Hart and Sequoia I -- Hart I  
24 was an account manager, with Sequoia I was a  
25 regional project manager.

1 Q. And in your responsibilities as account  
2 manager for Hart, were you involved in the sale of  
3 electronic equipment or computer election equipment  
4 or some other role?

5 A. Implementation once -- I was -- I got  
6 involved after the sale had happened. I would just  
7 help the county implement the system.

8 Q. Did you have any education or other  
9 technical training that gave you a background in  
10 election systems and implementation of election  
11 systems?

12 A. No.

13 Q. How is it that you got into this field?

14 A. I saw a job posted at Travis County  
15 elections in 1999 and applied for it.

16 Q. Did you attend college or university?

17 A. Yes.

18 Q. And what years and did you matriculate?

19 A. I got a B.S. in political science in 1989,  
20 and then I got a master's in classical civilization  
21 in, that would have been 2000.

22 Q. And what institution issued those -- or  
23 no, better --

24 A. University of Oregon for the bachelor's,  
25 Antioch University for the master's.

1 Q. Thank you.

2 And what attracted you to the opportunity  
3 in Fulton County in 2013?

4 A. I just kept seeing the position open. I  
5 mean, it was a step up from where I was at. The  
6 position kept opening up over the years. It opened  
7 up I think three or four times over the three --  
8 the years that I was with Williamson County.

9 Q. And given the size of -- what was the size  
10 of the vote -- of the vote -- registered voters in  
11 Fulton County in roughly 2013?

12 A. I believe it was somewhere around 600 to  
13 650 thousand. I don't remember.

14 Q. And your prior county with -- experience  
15 with Travis County, how large a voting base did  
16 they have?

17 A. Travis County was -- is similar in size to  
18 Fulton, and it has I think pretty much the same  
19 growth rate. I think -- I remember it being at 500  
20 to 550 thousand when I left Travis County.  
21 Williamson County had about 230 to 250 thousand.

22 Q. And what kind of system did Travis County  
23 have at the time you departed?

24 A. It started out with hand-marked paper, and  
25 then by the time I left they were using Hart

1 InterCivic's eSlate.

2 Q. Could you describe that last system? I'm  
3 not familiar with it.

4 A. It was a dial -- it's a dial -- I mean, it  
5 was -- it's an electronic system, but they used a,  
6 like, a dial rather -- it wasn't a touch screen.  
7 You just turned and it would -- the screen would  
8 change based on where you turned the dial.

9 Q. Did the system then produce some type of  
10 output that the voter had to verify?

11 A. No.

12 Q. Why did you -- were you part the  
13 recommendation that the Travis County system move  
14 from hand-marked paper ballots to this electronic  
15 system?

16 A. I mean, I was part of the process to  
17 choose the voting system. But I mean, I think the  
18 county clerk was the one that was involved in  
19 changing that. I mean, that's what --

20 Q. Were you --

21 A. -- everybody was doing at that time.

22 Q. Were you supportive of that change?

23 A. Yes.

24 Q. What were your reasoning -- what was your  
25 reasoning for that?

1           A.     Paper ballots are a pain in the rear,  
2     especially during early voting. They caused so  
3     many problems during early voting, paper ballots  
4     did, that it just, it was a nightmare.

5                 And the way that they were -- the way they  
6     had to be sorted and handed out in Texas made  
7     them -- made early voting and paper ballots, they  
8     were at cross-purposes.

9                 And so the bal -- voters would get the  
10    wrong ballots a lot. There was too much human  
11    interaction. Because you needed -- in Texas you  
12    had to -- there were -- the number of ballot styles  
13    in Texas is astronomical compared to Georgia and --  
14    because of all the boundary lines. None of them --  
15    you could have 13 splits in a precinct.

16                And you had to offer each voter -- you  
17    would have to put all the vote -- all the ballot  
18    styles into file folders and then offer a ballot  
19    to -- three ballots to each voter. They would pick  
20    their own ballot of three, and you had to put them  
21    back into the file folder.

22                And ballots got put into the wrong file  
23    folders, so later on you would end up having  
24    sometimes a ballot given out to a voter that was  
25    incorrect. That was a common, common mistake. And

1       they were just always marked incorrectly. You  
2       know, voters didn't fill in the ovals the way  
3       they're supposed to.

4           Q.     Was there some type of ballot recog --  
5       resolution process that was used to discern the  
6       voter's intent on those ballots?

7           A.     Yeah, they have -- we had some -- it was  
8       called a ballot board. At that -- I mean, I wasn't  
9       ever involved in overseeing the ballot board, but  
10      yeah, there was that sort of thing there.

11          Q.     And was the problem in part caused that  
12      the early voting locations were  
13      multi-jurisdictional and that's why they had to  
14      have all these ballot styles available to the  
15      people that showed up to vote there?

16          A.     Yeah. They had -- they were countywide,  
17      so you had to have the ballot styles for every part  
18      of the county available at every early voting site.

19          Q.     And that problem wouldn't exist with  
20      hand-marked paper ballots for the general election,  
21      would it?

22          A.     Yes. Yeah. Because during early voting  
23      you have to have all the ballot styles at all of  
24      the early voting sites.

25          Q.     At the time --

1           A.     There aren't as many ballot styles in  
2     Georgia, so it would be a little --

3                 (Whereupon, there was technical  
4     difficulty making the audio  
5     unintelligible.)

6                 (Whereupon, a discussion ensued  
7     off the record.)

8           THE WITNESS:   Oh, I was just saying  
9     that in Georgia there are fewer ballot  
10    styles.   So it would be a somewhat simpler  
11    process here than it would be in Texas,  
12    but you're still going to have -- you're  
13    going to get ballots in incorrect folders  
14    however you do it.

15           The early voting -- the number of  
16    ballot -- the number of complaints with  
17    voters getting the incorrect ballot is  
18    going to go way up.   Because it dropped  
19    dramatically from -- in Texas when we went  
20    to an electronic system after using paper.

21    BY MR. KNAPP:

22           Q.     Could you overcome that problem by having  
23    an early voting site for each particular ballot?

24           A.     No.    Because it -- you're required to have  
25    them county-wide.   I mean, you -- well, you're



1 defeating the purpose of early voting at that  
2 point, because early voting is so you can vote  
3 anywhere.

4 You have to be able to vote anywhere  
5 during the early voting period. So the legislature  
6 would have to change the law to make it so that you  
7 would have to, like, vote in your precinct almost.

8 And then at that point it's, you know, why  
9 do it. It would be so costly. You'd have to  
10 have -- you'd have to have multiple election days  
11 and, you know, that's a lot of money to spend.  
12 Because the early voting period's 19 days.

13 Q. And has the early voting process changed  
14 in Fulton County since you came on in 2013?

15 A. It's expanded. I mean, we used to --  
16 Fulton County would do three to six sites in an  
17 election. We had, like, for the presidential in  
18 November 2020 we had 33 sites.

19 Q. How many early voting sites did you have  
20 in June of 2020?

21 A. Oh, we only had five to start and then  
22 eight at the end -- by the end.

23 Q. And that was many less than you had  
24 anticipated before that election took place?

25 A. We didn't -- we planned on having 24 for

1       that election for June 2020. But we lost most of  
2       our workers and, you know, we couldn't do it.

3           Q.     Let's turn our attention now to topic  
4       number one. This is:

5                    "Any efforts made to air gap any  
6       components of Georgia's current  
7       election system as used in Fulton  
8       County and the success or failure of  
9       any such efforts."

10           First of all, do you understand when we  
11       use the term "air gap"?

12           A.     Yes.

13           Q.     And would you explain that, please?

14           A.     Well, it's a manner in which you keep --  
15       you want to ensure that the -- nothing that is part  
16       of the voting system, the B.M.D.s, scanners, the  
17       server, that none of those are connected to the  
18       Internet or that they have the capability to do  
19       that.

20           Q.     And does that also include meaning that  
21       those same systems have no connection to other  
22       computers that might have access to the Internet?

23           A.     Yes.

24           Q.     Okay. And what's your understanding --  
25       first of all, what did you do to prepare to speak

1 to this topic?

2 A. What did I do to prepare to speak to it?  
3 I mean, I -- most of it's just based on my own --  
4 it's just my knowledge of the system.

5 Q. And to -- in your experience, are any  
6 components of the Georgia current election system  
7 exposed to the Internet in any way?

8 A. Are you talking about the voting system or  
9 are you talking about check-in for voters?

10 Q. Well, the --

11 A. I mean, if you're talking about the entire  
12 election system, when we check voters in, that part  
13 of the system is connected to -- it's connected  
14 because we have to be able to access the voter  
15 database. But that system's fully -- I mean, that  
16 system isn't part of the voting system.

17 Q. You're talking about --

18 A. The voting system is not connected at all.

19 Q. You're talking about a poll pad system?

20 A. Yeah. Poll pad door or laptops for early  
21 voting.

22 (Whereupon, there was technical  
23 difficulty making the audio  
24 unintelligible.)

25 (Whereupon, a discussion ensued

1 off the record.)

2 THE WITNESS: What was I saying?

3 BY MR. KNAPP:

4 Q. We were talking about the different  
5 systems between the registration check-in system,  
6 which did have connectivity, versus the actual  
7 voting system, and you were drawing a distinction.

8 A. Yes, we use laptops to check voters in  
9 during early voting. On Election Day we use the  
10 poll pads. The only thing the poll pads are used  
11 for during early voting is just to activate the  
12 card, the access card to get into the B.M.D.

13 Q. But the poll pads are used in -- during  
14 early voting for that function?

15 A. Just, yeah, for vote -- yeah, for card  
16 creation.

17 Q. Describe where the card creation occurs  
18 between the time a voter shows up and checks in at  
19 a poll to when the card is given to the voter?

20 A. Well, it just depends on the space at the  
21 vote -- early voting sites. Sometimes the poll  
22 pad's sitting right next to -- next to the same  
23 person that checks the voter in will then take the  
24 card and create it to give voter access to their  
25 ballot at the B.M.D. Sometimes it's the next step

1       that it's at a different table.

2           Q.     And --

3           A.     It just depends on space and the, I guess  
4       the skills of the workers that are assigned to  
5       those locations.

6           Q.     And so the voter checks in, then the poll  
7       pad generates a card which is given to the voter?

8           A.     Yes.   Somebody has to choose the ballot  
9       style on the poll pad.

10          Q.     Okay.   And that's done by a poll worker,  
11       the choice of the ballot style?

12          A.     Yes.

13          Q.     And then the voter takes that card and  
14       walks over to a B.M.D.?

15          A.     Yes.

16          Q.     And they put that card into a B.M.D.?

17          A.     Yes.

18          Q.     And that activates the ballot style on the  
19       B.M.D. for voting by the voter?

20          A.     Yes.

21          Q.     And then that B.M.D. generates a record of  
22       the vote that allows the voter to look at that  
23       record electronically on the screen?

24          A.     Yeah, it -- well, it prints what the input  
25       was on the screen.   It doesn't store the votes.

1           Q.    I was just -- I was on the actual stage  
2           just before the actual printing. I was under the  
3           impression that the voter had some opportunity to  
4           look at the screen to look at their selection  
5           before the printing.

6                   Is that correct?

7           A.    Yes.

8           Q.    Okay. And then the B.M.D. prints a paper  
9           record; is that correct?

10          A.    Yes.

11          Q.    Describe for me what's on that paper  
12          record.

13          A.    The selections that the voter made when  
14          the voter voted. And then what it -- when they hit  
15          "cast ballot," that's what prints out.

16          Q.    And that record has a Q.R. code on it?

17          A.    Does it have a Q.R. -- I don't even  
18          remember if it has a Q.R. code or a barcode. I  
19          don't know. It's got a Q.R. code or a barcode on  
20          it.

21          Q.    What do you recall what's on a ballot  
22          produced by a B.M.D. voting machine in the Fulton  
23          County election in the year 2020?

24          A.    I don't remember if it's a barcode or a  
25          Q.R. code. I think it's a barcode.

1 Q. Okay. And describe for the record, is the  
2 barcode something that a voter could read to des --  
3 to confirm whether or not that it would -- properly  
4 recorded their vote?

5 A. No.

6 Q. Okay. And is there a text portion of the  
7 ballot that's been printed as well?

8 A. Yes. The ballot is printed out for the  
9 voter to review, and it looks like a ballot, like a  
10 paper ballot.

11 Q. Okay. And then the paper ballot is walked  
12 over to a scanner?

13 A. Yes.

14 Q. And then fed into the scanner?

15 A. Yes.

16 Q. And then the vote is -- the ballot is  
17 stored electronically on the scanner?

18 A. Yeah. The record -- yeah, the ballot is  
19 read by the scanner, and then it drops into a  
20 ballot box and the record of that -- of those votes  
21 is recorded on the scanner in the on -- and there's  
22 a flash card in there to record or store all of it  
23 as well.

24 Q. Now, let's start with the poll pad. The  
25 poll pad is loaded by WiFi?

1 A. Yes.

2 Q. And those are -- that's a WiFi system  
3 maintained at the Fulton election center on English  
4 Avenue?

5 A. Yes.

6 Q. And how often do the poll pads have to be  
7 updated prior to an election so that the  
8 information reflected on them is current?

9 A. Oh, the bulk file is loaded on the  
10 Saturday before Election Day.

11 Q. Okay.

12 A. There are updates that are done, I think  
13 O.S. updates that are done on those in the -- maybe  
14 in the days leading up to it. The new -- I think  
15 there's going to be a new process coming soon where  
16 there's going to be every -- I think almost, not  
17 every day, but several days leading up to it the  
18 voter record is going to be updated so that the  
19 Saturday upload isn't as bulky, doesn't take as  
20 long.

21 Q. It's a logistical challenge to update  
22 everything on that Saturday before the election,  
23 isn't it?

24 A. Yes. Because, yeah, the State requires us  
25 to do something that's unnecessary, and it's,



1       frankly, dumb what they ask us to do, which is to  
2       put the entire statewide voter file on the poll  
3       pads. There's no reason for it.

4               And KNOWiNK can site -- can cordon off a  
5       boundary around your county to get around that, but  
6       they don't do it. The don't do it because the  
7       State won't let them.

8               Q.     Have you made this recommendation to them  
9       in the past?

10              A.     I've mentioned it, I think, in  
11       conversation, but they don't care.

12              Q.     Why don't they care?

13              A.     Because they --

14              MS. LAROSS: I object to the form of  
15       the question.

16              THE WITNESS: They know best.

17       BY MR. KNAPP:

18              Q.     Do they offer a reason why that approach,  
19       which would lighten the load on Fulton County's  
20       poll pad updating, isn't to their liking?

21              A.     No.

22              Q.     Now, how is the software on the B.M.D.s  
23       loaded?

24              A.     It's updated with a U.S.B. stick.

25              Q.     And where does that U.S.B. stick come

1 from?

2 A. That'll come from the -- we get all of our  
3 election files or election project from the State  
4 center for election systems.

5 Q. And do -- does Fulton County do any kind  
6 of scan or other inspection of those sticks to see  
7 whether or not they've been tampered with or  
8 contain any malware?

9 A. No. I mean, the county doesn't do that,  
10 no. We get those -- those are delivered -- either  
11 we pick them up ourselves or they are delivered by  
12 the State to us, and they're sealed, and then we  
13 use them from there. And they go to direct cust --  
14 the custody is from the State to the county.

15 Q. In the June 2020 election, when was the  
16 software updated into the B.M.D.s by this method?

17 A. Well, it would have -- I mean, that --  
18 it -- once we start logic and accuracy testing,  
19 that starts. I don't remember when the exact date  
20 would have been.

21 But it's usually the ballots are prepared  
22 sometime six to eight weeks, they're available six  
23 to eight weeks before the Election Day, and then we  
24 start doing logic and accuracy testing.

25 Q. In 2020 how many precincts were in Fulton

1 County?

2 A. Well, you want to know about polling  
3 places or just the precincts themselves?

4 Q. Let's do polling places. How many  
5 polling, active polling places, and I don't know if  
6 the number is the same between June and November  
7 and the run-offs and so forth, so share with me how  
8 all that's configured?

9 A. The number of precincts we have, I think  
10 it's either 377 or 387. I'd have to verify it.  
11 The number of polling places we had for June was,  
12 like, 164, I believe.

13 Q. And who determines how many polling places  
14 Fulton County had within any given election?

15 A. We do, the elections department. And you  
16 know, we planned on having, I think, 204 for that  
17 election, or 209, something like that. We lost,  
18 like, a quarter of our locations.

19 Q. And that was due primarily to COVID?

20 A. It was all from COVID, yeah.

21 Q. I'll come back to that later.

22 But so if you, in fact, had 204 polling  
23 places, how long did it take you to do the logic  
24 and accuracy testing and the uploading of the  
25 software onto the B.M.D.s by these sticks for the

1 June 2020 election?

2 A. It takes several weeks.

3 Q. And is the same thumb drive or hard -- or  
4 computer stick that's used, does it change at all  
5 during that period of time or is it just one  
6 particular upload that's the same across all the  
7 B.M.D.s and it did not change at all from the day  
8 logic and accuracy testing started till the day the  
9 election was run in June?

10 A. Well, we get that project file on a stick,  
11 and that's the one that we use to populate or, I  
12 guess, use -- we use that for all of the -- all of  
13 the B.M.D.s we have.

14 Q. Do you take the inform --

15 A. Or copies of that stick. So. Because we  
16 have to have multiple sticks in order to do -- to  
17 use all the machines, to program all the machines.  
18 I'd have to ask Dominic how many we get. I don't  
19 know.

20 Q. And does your staff duplicate the stick  
21 such that it can then have multiple sticks to use  
22 to upload the software onto the B.M.D.s?

23 A. I don't know if the State -- I think the  
24 State sends us multiple sticks, and then -- but I  
25 don't -- I'd have to ask Dominic. I don't know.

1 Q. And I assume this all takes place at the  
2 election center on English Avenue?

3 A. Yes. Or it did then most of the time.

4 Q. What about the scanners, is there any  
5 software loaded onto the scanners by the Fulton  
6 County election system?

7 A. At what?

8 Q. Are there any -- is there any software or  
9 any other accessing of scanners done by your people  
10 to prepare the scanners for use in elections in the  
11 year 2020 in Fulton County?

12 A. Just a second. So there's a siren going  
13 by. Can you say that one more time?

14 Q. Sure. Is there any software uploaded by  
15 Fulton County to the scanners that are used by it  
16 in its elections during the year 2020?

17 A. Any software that we load onto the  
18 scanners? What kind of -- no. I mean, we -- what  
19 type of software are you referring to?

20 Q. I'm asking you.

21 A. We don't put any soft -- we haven't put  
22 any software on there. I mean, we got -- we had  
23 one update that we had to put -- which I think was  
24 a firmware update in 2020 from Dominion.

25 Q. And when did Dominion ask you to make that

1 update?

2 A. I don't re -- if some -- I think it was --  
3 I don't think it was before the June election. I  
4 think it was before either maybe the August or  
5 September election. I don't remember.

6 Q. And what was your understanding of what --  
7 why it was necessary to upload this update from  
8 Dominion to the scanners?

9 A. I don't remember.

10 Q. But it's your understanding this was --  
11 this was done at each and every scanner that was  
12 used in the August, September and November 2020 and  
13 later elections that were conducted by Fulton  
14 County?

15 A. Yeah. Yes. I don't -- I don't know  
16 exactly -- yeah, I don't remember much about that  
17 process. But I remember that we received some kind  
18 of word from the State that we were going to have  
19 to do some sort of firmware update. But yeah, my  
20 memory's foggy on that.

21 Q. And this update, was it tested or assessed  
22 or evaluated by Fulton County as to whether or not  
23 that update contained any malware?

24 A. We don't, I mean, we don't hand that -- we  
25 take custody of those, and then they go into the

1 system. But I believe Dominion had people that  
2 came in that did those for -- if I remember right,  
3 I think Dominion sent people in to do those  
4 updates. They had a team. So our people really  
5 weren't involved with it.

6 Q. So just so I'm clear, Dominion's technical  
7 people were given access to the scanners in the  
8 Fulton election center to upload this firmware  
9 update?

10 A. Yes.

11 Q. And did we have -- did the Fulton County  
12 election officials have any technical people who  
13 participated in that process?

14 A. Did Fulton County have any tech -- I don't  
15 know if our -- I don't think that our people helped  
16 with that process. I think we just gave them  
17 access.

18 Q. And do we know -- do your technical people  
19 know what changes this update made to the firmware  
20 of the scanners?

21 A. I'm sure, yeah, I'm sure somebody probably  
22 remembers what. I don't remember what it was.  
23 You'd have to ask them.

24 Q. If you had to pick up your phone right now  
25 and call someone to get that information, who would

1       you call?

2           A.     Dominic Olomo or Derrick Gilstrap, one of  
3       those two. I'm sure they would remember what the  
4       purpose of it was.

5           Q.     Now, the Fulton elections facility on  
6       English Avenue has a WiFi system installed there,  
7       does it not?

8           A.     Yes.

9           Q.     And to what use does Fulton County make of  
10      that WiFi system at its Fulton County election  
11      center on English Avenue?

12          A.     What do we make of -- use -- what use do  
13      we make of it?

14          Q.     Yes, sir. How do you use it?

15          A.     Well, I mean, in -- there are -- Clerk of  
16      Superior Court's over there. The sheriff's over  
17      there. We're there. And all of our computers we  
18      need -- any of the computers that we use in our  
19      offices are connected to that.

20                 We do trainings there. We'll need WiFi  
21      for that. We also do the bulk file upload. So  
22      just routine things that every office building has.

23          Q.     Separate and apart from the routine that  
24      every office building has, is there any use of the  
25      WiFi system on the elect -- at the English Avenue



1 election center that touches the election  
2 equipment?

3 A. No.

4 Q. The poll pads?

5 A. Well, yeah, the poll pads get connected to  
6 it. They get connected via Meraki devices, which  
7 are secure WiFi access points. And those are what  
8 the information from the bulk -- the bulk files  
9 transmitted through those and through a cache box,  
10 and then they go into the -- into the poll pads.

11 Q. And you mentioned again the bulk file  
12 upload. What's that?

13 A. That's -- the bulk file?

14 Q. The bulk file upload is what you referred  
15 to, yes.

16 A. That's the voter -- that's the voter list  
17 for the State, the statewide voter list. And it's  
18 updated with everyone who's voted early or  
19 requested an absentee ballot or returned an  
20 absentee ballot.

21 Q. And when is that done?

22 A. The Saturday before Election Day. But the  
23 poll pads aren't part of the voting system.

24 Q. Correct. That's the check-in system;  
25 correct?

1           A.     Yeah.

2           Q.     Well, other than they create a card that  
3 then is taken and put into the B.M.D.s; is that  
4 correct?

5           A.     Yes. Yeah, they have -- the only  
6 information on the card is that there's just -- it  
7 just gives you access to a ballot, a ballot style.

8           Q.     Has Fulton County ever done an assessment  
9 or evaluation as to whether or not information on  
10 those cards is vulnerable or accessible to attack?

11          A.     No. Not that I'm aware of.

12          Q.     These -- is that metracall (Phonetically)  
13 devices? I'm sure I mispronounced it. Explain  
14 what they are and what function they perform.

15          A.     Which devices?

16          Q.     You -- they -- you said there were certain  
17 devices that --

18          A.     Devices, they're just, they're basically  
19 WiFi access points, and I -- from my understanding  
20 is that they're much more secure than a normal WiFi  
21 access point.

22                 I don't know if they encrypt the data. I  
23 don't know technically what it is. But they're  
24 used because they have, I think, much higher  
25 security standards with them. Other than that, I

1 don't really know anything about them.

2 Q. How long has Fulton County used them?

3 A. I think we first used them in the August  
4 2020 election. We did that or it might have been  
5 the September 2020. But they also, they helped us  
6 speed up -- the more access points you have, the  
7 faster you can get the information from the bulk  
8 file onto the poll pads.

9 So you know, we were just having issues  
10 with how long that bulk file takes. I mean, it  
11 wasn't just us. Every county was having issues  
12 with the bulk file just taking forever to get onto  
13 the poll pads, which is why they're changing their  
14 procedures for this year to try to speed it up.

15 Q. And we'll talk about that. There's a  
16 report that talks about some of the proposed  
17 changes.

18 How long -- I know it must have been  
19 frustrating for you in that it seemed like it took  
20 forever, but can you quantify exactly how long it  
21 was taking to load the poll pads the Saturday  
22 before the election in November of 2020?

23 A. Oh, in November of 2020? It took us --  
24 Jesus, that one took about two full days to  
25 conclude. And it -- they -- one of our poll pads

1 weren't even ready for supply pick-up on Sunday  
2 morning. We had to deliver them on Monday.

3 Q. And they were being delivered to --

4 A. Polling places or poll work -- poll  
5 managers or polling places.

6 Q. And in typical polling places, how many of  
7 the poll pads were being delivered?

8 A. Well, I don't know how many -- I don't  
9 remember how many poll pads we had to deliver. I  
10 think, you know, but it was probably somewhere in  
11 the neighborhood of 25 to 50 precincts we had to  
12 deliver the poll pads to.

13 Q. And then it was up to the precinct to  
14 distribute them out to the separate polling places?

15 A. No. We delivered them to the polling  
16 places or to the poll manager who was assigned to a  
17 polling place.

18 Q. And --

19 A. Usually they pick them up on Sunday.  
20 Since we got this new voting system, well, several  
21 times we've had to deliver these. It's become  
22 common, common practice where it just takes forever  
23 for that bulk file.

24 Because the number of poll pads that we  
25 have, we don't have enough warehouse space, we

1 don't have enough -- you know, if there are -- if  
2 there are -- our carriers are in there, the signal  
3 interfered -- the carry -- the metal carriers  
4 interfere with the signal.

5 There's just a lot of things that compound  
6 the problem for us. That's why we're getting a new  
7 facility.

8 Q. In the June 2020 election, how long did it  
9 take to upload the bulk file?

10 A. I think we got done on Sunday evening,  
11 like, maybe -- it was sometime between 5:00 and  
12 7:00 or 5:00 and 8:00 on the Sunday evening. So it  
13 took us a long time.

14 Q. And then once the --

15 A. We started at 7:00 a.m. on Sun --  
16 Saturday. But we were -- I mean, some counties  
17 were doing it still on Monday.

18 Q. So this was not a problem unique to Fulton  
19 County?

20 A. No.

21 Q. The -- most of the counties you're  
22 referring to, were those metro counties or were  
23 there other counties --

24 A. I talked to --

25 Q. -- besides Fulton County that had that

1 same problem?

2 A. I talked to several metro director --  
3 metro area directors, and they all had issues with  
4 them. Some of them were having to take their poll  
5 pads to the State. Some of them were having to  
6 take their poll pads to Dominion warehouse. Some  
7 of -- where KNOWiNK had space and, yeah, in  
8 addition to having them go at theirs because it was  
9 so slow.

10 Q. Had the slowness been an issue in the June  
11 2020 election?

12 A. Yeah. I mean, it wasn't -- yeah, we -- I  
13 mean, I just said we got them done between 5:00 and  
14 8:00 on Sunday. Supply pick-up starts at 9:00 a.m.  
15 on Sunday. So if your -- if you don't have your  
16 poll pads ready by 9:00 a.m. on Sunday morning,  
17 then you're going to have to deliver those.

18 Q. And how -- and how is the delivery  
19 handled?

20 A. We just have people from our warehouse  
21 take them out to either homes or polling places and  
22 deliver them.

23 Q. Is -- has there ever been an occasion  
24 where those people were intercepted in some way or  
25 some fashion and such that someone took control of

1 a poll pad before it got to a polling place?

2 A. No.

3 Q. Is there any concern about protecting that  
4 delivery such that that doesn't happen?

5 A. No. I mean, you -- we're handing -- we  
6 hand them out on Sundays to the poll managers, who  
7 have put them in, you know, they put them in their  
8 cars, either take them to the poll -- you know,  
9 it's the same -- it's probably a -- you know, I  
10 don't know.

11 I would assume that our delivery probably  
12 makes it a more direct process than having the poll  
13 managers come pick them up. But the process is  
14 just to hand them out on Sundays anyway to the poll  
15 managers.

16 Q. Is that process common among the other  
17 metro counties?

18 A. Yeah. I mean, I would -- it's common  
19 across the country for some sort of process along  
20 those lines to happen.

21 Q. Okay. Let's go to topic number four:

22 "Any execution or operational  
23 issues or challenges with Georgia's  
24 current election system, including any  
25 Fulton County 2020 or 2021 elections,

1           any solutions or other measures  
2           implemented, planned, contemplated to  
3           resolve, remediate, mitigate or  
4           otherwise address any such issues or  
5           challenges, and the success or failure  
6           of such efforts."

7           What did you do to prepare for this  
8           subject?

9           A.    I mean, I talked with both counsel.  On  
10          all of the topics, I mean, the coun -- my counsel,  
11          you know, we went through the topics I would be  
12          talking about.  Most of it is just going to be from  
13          my knowledge of things.

14          Q.    There were reports done on the challenges  
15          and operational issues at each one of these  
16          elections in '20 and 2021; is that correct?

17          A.    There were reports and what done?

18          Q.    Reports done on the -- Fulton County's  
19          elections in 2020 and 2021, one by the Secretary of  
20          State and several from an organization called Seven  
21          Hills; is that correct?

22          A.    Yeah.  There was -- the Secretary of State  
23          appointed a monitor for our November and January  
24          election.

25          Q.    What was the name of that monitor?



1 A. Carter Jones.

2 Q. Is Carter Jones a company or a person?

3 A. He's a person. And he -- I think Seven  
4 Hills is his -- that's his consulting firm.

5 MR. KNAPP: Adam, bring up Exhibit  
6 Number 9, if you would, please.

7 (Whereupon, Plaintiff's  
8 Exhibit 9 was marked for  
9 identification.)

10 THE WITNESS: So at this point I go  
11 into --

12 BY MR. KNAPP:

13 Q. If you could bring up in -- out of  
14 Veritext, it's the system, the exhibit system, it  
15 would be Exhibit Number 9. And I'm asking my  
16 colleague to publish the document independently on  
17 the screen.

18 A. Oh, okay.

19 MR. SPARKS: Yes. I'm doing so now.  
20 One moment.

21 THE WITNESS: This is Exhibit 1?

22 BY MR. KNAPP:

23 Q. Exhibit Number 9.

24 A. Oh, okay. I don't think I have that. I  
25 mean, I don't have that in --

1 Q. Okay.

2 A. -- there.

3 MS. RINGER: It's in there now. So  
4 Rick, you would have to maybe push the  
5 refresh, top left-hand, the circle with  
6 the arrow.

7 MR. SPARKS: Exhibit 9 has been added  
8 to the Marked Exhibits folder. I'll share  
9 my screen as well.

10 BY MR. KNAPP:

11 Q. Mr. Barron, would you take a moment and  
12 read this series of E-mails going back and forth  
13 between Blake Evans and Scott Tucker and Chris  
14 Harvey?

15 A. Okay. How many pages are there?

16 Q. It's just the one page you see on your  
17 screen. It carries over to the second page, and  
18 there's some contact information in the signature  
19 line from Mr. Evans --

20 A. Oh.

21 Q. -- it looks like.

22 A. Okay.

23 (Whereupon, the document was  
24 reviewed by the witness.)

25 THE WITNESS: Okay.

1 BY MR. KNAPP:

2 Q. This E-mail is talking about an incident  
3 where two ballots are printed by the B.M.D.s. Are  
4 you familiar with this type of episode at any time  
5 in the 2020 elections conducted by Fulton County?

6 A. I, this, I vaguely remember this. This  
7 looks like it was on Election Day for the September  
8 29th election.

9 Q. And that was a more limited election than  
10 the general election in -- presidential election in  
11 November?

12 A. Yeah. It was about in half the county.

13 Q. Okay. And what was the problem that's  
14 being discussed here?

15 A. Well, it looks like somebody tried to  
16 print a ballot and it didn't print. And then maybe  
17 the same thing happened to the next guy. And then  
18 when they went and they gave him a new card, it  
19 ended up printing both of those ballots.

20 Q. Are you familiar with whether or not the  
21 Dominion system was designed in such a way that, if  
22 a ballot was incomplete, that when you came back to  
23 the ballot a second time, that it would print both  
24 the first iteration of the ballot and then the  
25 result of the changes made at the second time the

1 ballot was visited by the voter?

2 MS. RINGER: Objection to the form of  
3 the question.

4 You can answer, Rick, if you --

5 THE WITNESS: Oh.

6 MS. RINGER: -- know the answer.

7 THE WITNESS: I mean, I don't -- I  
8 don't know how it was designed. I vaguely  
9 rec -- remember this scenario happening,  
10 but it's -- if I -- if I remember right,  
11 this is the only time I remember hearing  
12 of it happen. But I don't know how the  
13 system was designed.

14 BY MR. KNAPP:

15 Q. Mr. Tucker is with Dominion, which is the  
16 manufacturer?

17 A. Yes.

18 Q. And were Dominion representatives on call  
19 during all these elections to deal with issues like  
20 this?

21 A. Well, we trained people to go out into the  
22 field to deal with, you know, general issues. I  
23 don't know that there was anybody that would have  
24 had specific knowledge of this, this situation.

25 I think the State might have had some

1 technicians out there, but you -- we tried to get  
2 our own rather than -- and then have Dominion train  
3 them.

4 Q. Do you have any understanding whether this  
5 incident was widespread at any time during the  
6 elections conducted by Fulton County in the year  
7 2020?

8 MS. RINGER: Objection to form of the  
9 question.

10 Go ahead and answer, Mr. Barron.

11 THE WITNESS: Okay.

12 I only remember -- I mean, I -- this  
13 is the only thing that I have memory of.  
14 But if there was something else, then --  
15 if this happened another time, I don't  
16 know that I'm aware of it.

17 BY MR. KNAPP:

18 Q. If there's a problem such as this at a  
19 polling pre -- a polling place, what's the process  
20 for documenting the problem within the Fulton  
21 County election administration?

22 A. Well, if we get something in on a call, we  
23 have a system called WebEOC that we log problems  
24 into. If it comes in -- it depends on how, you  
25 know, if it -- it depends on how this came in.

1           You know, if it -- it could get escalated  
2       by phone right away without getting logged in.  
3       Everybody's supposed to log their problems into  
4       WebEOC. So.

5           Q.     And what's the name of that log-in system?

6           A.     It's called WebEOC.

7           MR. KNAPP: Let's turn and publish  
8       Exhibit Number 10.

9                         (Whereupon, Plaintiff's  
10                        Exhibit 10 was marked for  
11                        identification.)

12           MR. SPARKS: Exhibit 10 has been  
13       published. I'm sharing my screen now.

14       BY MR. KNAPP:

15           Q.     This is a multi-page document, Mr. Barron,  
16       two and a half page -- let's, can we start at the  
17       back of the document since it's an E-mail chain?

18           A.     Yeah. Is this in Veritext?

19           Q.     It should -- it should be in Veritext as  
20       well.

21           MR. KNAPP: Is it there, Mr. Sparks?

22           THE WITNESS: Okay. I've got it.

23           I'll --

24       BY MR. KNAPP:

25           Q.     Why don't you --

1 A. I'll --

2 Q. -- click on that and read it.

3 A. Okay.

4 (Whereupon, the document was  
5 reviewed by the witness.)

6 THE WITNESS: Okay.

7 BY MR. KNAPP:

8 Q. Okay. It starts with an E-mail from a  
9 gentleman named Harold Franklin, reporting to  
10 someone named -- and I don't want to mispronounce  
11 Ms. Jenkins' name.

12 Do you know Ms. Jenkins?

13 A. Yep.

14 Q. Who's she?

15 A. Breana Jenkins. She was just an  
16 administrative coordinator in my department.

17 Q. Okay. And what is her responsibility when  
18 she receives an E-mail like this that was  
19 transmitted on June 9th regarding machines down and  
20 polling places not open?

21 A. She would have escalated it within the  
22 office either to, probably to Blake Evans at that  
23 point or she could have also, you know, let --  
24 Blake would have been the first person she would  
25 have contacted with it, I'm sure, along with maybe

1 me or Johnny Harris.

2 Q. If you look at the second E-mail, it looks  
3 like she's escalating it to Joe Evans, Johnny  
4 Harris, yourself and Sharon Benjamin. Do you see  
5 that?

6 A. Yep. Yeah, I guess that's what she would  
7 have done.

8 Q. And what were these people supposed to do  
9 when receiving an E-mail with such a notice in it?

10 A. Well, we would reach out to the polling  
11 place and, you know, determine what the issue was.  
12 I mean, that -- a lot of issue -- we had a lot of  
13 problems in the June election that morning. So.

14 You know, speaking to -- and specific  
15 things is going to be pretty difficult at this  
16 point. But you know, the basic procedure is that  
17 you elevate it. And then either Blake or me or  
18 Johnny or Sharon or Nadine may have called the  
19 locations to find out what the issues were.

20 Q. Now, was this the first time that the new  
21 B.M.D. system was being used in a widespread manner  
22 in an election year in Fulton County?

23 A. Yes.

24 Q. And what support, if any --

25 A. (Inaudible) because of the B.M.D.s. I



1 mean, we weren't having machine -- we weren't  
2 having problems with the B.M.D.s. That's not what  
3 was causing this.

4 It was, you know, we had to train workers  
5 virtually. We had a lot of new people. We had a  
6 lot of people drop out. There were long lines  
7 because a lot -- most people didn't vote early at  
8 that time because we had very few early voting  
9 sites.

10 So I think a lot of people just had  
11 problems opening up their equipment that morning  
12 because they weren't used to it. It was the first  
13 time the system was used, and I would say that they  
14 didn't get the hands-on training that they normally  
15 would get.

16 Q. Let's focus on the issue of being able to  
17 open the equipment and get it to operate first  
18 thing on the morning of June 9th. You attribute  
19 some of that to training issues.

20 Were there any mechanical issues or issues  
21 with regard to power supply or other issues that  
22 related to the equipment itself that impaired their  
23 ability to open the polls on time?

24 A. Well, in some cases, yeah, there may have  
25 been electrical issues that where maybe some of the

1 polling sites, there were too many machines plugged  
2 in to the same outlets for -- and were overloading,  
3 you know, the circuit on a certain -- a certain  
4 electrical circuit would get un -- overloaded. So  
5 yeah, that, that did happen.

6 As far as equipment issues, I don't -- I  
7 don't think there were really any issues with the  
8 B.M.D.s that were caused by the B.M.D.s. I think  
9 it was more just either electricity or just poll  
10 workers not understanding what they needed to do.

11 Q. Who was responsible for training the poll  
12 workers on this new equipment?

13 A. Johnny Harris and Blake Evans were.

14 Q. And what role, if any, did the Secretary  
15 of State play in preparing them to train these  
16 folks?

17 A. I mean, we all, we received training from  
18 Dominion in December on the equipment. And then we  
19 had to get -- I mean, it took us -- it took a lot  
20 for us to get the State to produce any kind of poll  
21 worker manual on the system.

22 I mean, we essentially had to bug the  
23 State, you know, kind of tell them, look, this, we  
24 think this is your responsibility to come up with a  
25 poll worker manual for the State. They didn't

1 really seem to have any sense of urgency about  
2 that.

3 But other than that, I mean, the State was  
4 pretty hands-off when it came to the system. We  
5 got -- we got some short training with Dominion.  
6 They provided a basic poll worker manual. And then  
7 we had the big, thick Dominion manual, so we had  
8 to, you know, come up with a -- with a manual for  
9 training.

10 You know, fortunately, most of it was  
11 done -- we started training people before the  
12 presidential preference primary. But you know, we  
13 were -- during -- it was during early voting when  
14 we shut that election down, so most of the election  
15 workers didn't receive any in-person training. And  
16 that was really the main problem.

17 With the -- as far as the electrical, the  
18 State was -- had -- I think they, if I remember  
19 right, they had contracted with someone to go out  
20 and check electrical, they did -- to do an electric  
21 at survey at polling places. And I'm thinking it  
22 was all before the June election that they were  
23 supposed to have done that.

24 I know that after the June election Fulton  
25 County went out and we surveyed everything. We

1       figured out which outlets in all of those polling  
2       places were the ones that had to be used so that  
3       poll workers would, you know, no longer have  
4       problems with electricity.

5           Q.     How long did it take the State to prepare  
6       the poll workers manual?

7           A.     I don't remember. I think we got it  
8       sometime in February, maybe the latter part of  
9       February in 2020, which was just weeks before  
10      the -- it was pretty close to when early voting  
11      started for the March election.

12          Q.     Did the Secretary of State prepare Fulton  
13      County for the different burdens that would be on  
14      it as a result of using this new system that the  
15      State had elected to purchase?

16                MS. LAROSS: I object to the form of  
17      the question.

18                THE WITNESS: Did they prepare us?

19      BY MR. KNAPP:

20          Q.     Yes.

21          A.     You know, I mean, they provided the  
22      Dominion training. You know, with the pandemic the  
23      way it was, I'm not really sure -- you know, I'm  
24      not sure what could have been done at that point.

25                But you know, I mean, obviously looking

1 back they -- you know, I think everyone could have  
2 done a better job, but I don't think anybody really  
3 knew what to do in the middle of a pandemic that  
4 was beginning.

5 And nobody -- everybody was uncertain  
6 about what was going to happen, if we were going to  
7 put people in rooms and try to train them. So.  
8 But I mean, overall I think the State was fairly  
9 hands-off.

10 Q. And in terms of the decision to -- that  
11 the Secretary of State made to mail out absentee  
12 ballot applications to all the citizens, did you  
13 have any forewarning that was about to take place?

14 A. Yeah. I don't remember how much. I mean,  
15 I thought it was a good decision to do that. I  
16 just, I don't think that -- you know, obviously --  
17 I don't think everyone was prepared for it in the  
18 flood of applications that were going to -- that  
19 came.

20 I mean, it was -- it would have been  
21 better to have an on-line portal, I think. And  
22 from what I was told of two different consulting  
23 companies, they had -- they had told the Secretary  
24 of State's office that a portal could be -- could  
25 be constructed quickly and put up.

1           Q.    And that portal would have allowed for the  
2 management of the dispersion and collection of  
3 absent -- dispersion of absentee ballot  
4 applications and the subsequent mailing of --

5           A.    What would --

6           Q.    (Inaudible due to cross-talk).

7           A.    What would have happened is people would  
8 have been able to go on-line and apply for the  
9 applications, and then it would have been on a  
10 dashboard. And it's my understanding that U.S.  
11 Digital Response could have done it probably in a  
12 week and that that would have -- that would have  
13 made everything a lot smoother.

14                I mean, I'm not going to -- I'm not going  
15 to fault the Secretary of State for mailing out  
16 those absentee ballot applications, because I think  
17 it definitely had to be done.

18                But you know, we just didn't -- just  
19 trying to find, for us trying to find the space  
20 and, you know, and put all the people together and  
21 social distance and get all the computers ready  
22 and -- for the amount of applications that came in  
23 was just, it was like a flood.

24                And you know, the person that was in  
25 charge of absentee by mail got COVID and was out

1 for a month. And one of the other people that was  
2 key to him doing that got COVID and died, so not  
3 really -- you know, we just had a lot of -- we had  
4 technical issues just with the way those things  
5 were coming in.

6 So you know, a portal would have been much  
7 more helpful. And when I found out that -- the  
8 discussions that had happened up at the State, you  
9 know, it was -- and but apparently, the voter  
10 registration system, if something happened with the  
11 voter registration system, they wouldn't -- that  
12 vendor was not keen on allowing someone to build  
13 something that would plug into it.

14 So I'm not privy -- I don't have -- I  
15 don't have firsthand knowledge to the discussions.  
16 I've just been, you know, told by some of the  
17 people that were in those discussions what was  
18 said. So it's --

19 Q. Well, so in prior elections, the workload  
20 of your staff to deal with absentee ballots was  
21 relatively light in light of the fact that perhaps  
22 a thousand absentee votes was the most ever cast in  
23 an election prior to June of 2020; is that correct?

24 A. No. We had done, I think in the pres --  
25 in 2016's presidential we had processed about

1 somewhere around 30,000 absentee by mail ballots.  
2 But you know, you're also -- we must have got  
3 some -- we got around maybe 40,000 applications.

4 For the June election we received  
5 somewhere in the neighborhood of, I don't know, is  
6 it 160, 180 thousand applications. And a lot of  
7 them, you know, they were duplicates that would  
8 come in, because there were different  
9 organizations.

10 Not only did the State send applications  
11 out, but if I remember right there were some  
12 third-party organizations that would send  
13 applications out. So we were getting, you know,  
14 sometimes two or three applications from the same  
15 person without knowing it until you're processing  
16 the application.

17 Q. And so the amount of resources that it --  
18 that Fulton County had to dedicate to handling the  
19 absentee ballot applications was certainly  
20 materially different in June of 2020 and -- would  
21 you agree with that?

22 A. Oh, it wasn't even -- yeah. It was  
23 nowhere near what we had done before. It was -- we  
24 had people spread out in multiple places throughout  
25 a couple of buildings.



1           Q.    And if I understand correctly, it was the  
2   responsibility of Fulton County, when an  
3   application was turned in, to take that information  
4   and then input it into, was it an electronic system  
5   maintained by the Secretary of State?

6           A.    Yeah.   ElectionNet, the voter registration  
7   system.

8           Q.    Right.   And that turned out to be quite an  
9   administrative challenge in part because of COVID;  
10   is that correct?

11          A.    Yes.

12          Q.    You want to explain how that was -- why  
13   that was difficult and how that turned into a  
14   problem in part?

15          A.    Well, I mean, we -- you know, for that --  
16   the number of applications that came in, we had  
17   to -- we had to get -- you know, getting enough  
18   staff to come in and process those applications and  
19   process all that mail, that was a big undertaking.

20                I mean, and especially trying to do it  
21   with spreading people out and trying to keep  
22   people, you know, separated while they did this  
23   work, trying to find the space for it.   I mean, we  
24   had some people working from home with  
25   applications.

1           We had -- we just had several different  
2           areas where we had to place people. And we had to  
3           get all of the laptops up and -- for more people to  
4           process those, find the places for them, make sure  
5           that there was good WiFi.

6           I mean, the printers that would -- when  
7           they came in and people would print off the  
8           applications -- because what we were trying to do  
9           was print the applications so that we would have  
10          them in batches.

11          But for some reason, because of all the  
12          different formats they were coming in, our  
13          commercial printers, they just did not print off of  
14          those like the copier printers that we had.

15          So they would send over ten print jobs,  
16          and maybe seven or eight of them would print out  
17          and the other two would just sit in spool and it  
18          would back up other people's -- other requests that  
19          were coming in behind it.

20          We had technicians coming in from, I think  
21          it was Canon or whoever had a -- was the vendor for  
22          our copiers to just, they were in there all the  
23          time trying to clear everything. And we'd have to  
24          go back and try to print what we had sent before.

25          And there were things of all sizes.

1 Sometimes you couldn't even read the applications  
2 because, I don't know what they scanned them on,  
3 but you're getting a 50 megabyte -- 50 kilobyte  
4 file and you couldn't even make out what was on the  
5 thing. Sometimes, you know, the files were just  
6 gigantic, 15 megabytes.

7 And when they came in before, they would  
8 come in to a couple different E-mail addresses, and  
9 those were meant to distribute out to several  
10 people. When they distributed out, everybody's --  
11 the memory in all of these computers and on -- and  
12 on the network would just -- got overwhelmed.

13 So it was like one application would then  
14 go out to ten computers, the next application would  
15 go out to ten, you know, it would -- so there got  
16 to be issues with memory and -- it was a mess.

17 Q. And did you have any inkling when the  
18 Secretary of State sent out these applications that  
19 there would be these technical problems as well as  
20 manpower problems as well as the COVID problems?

21 A. Well, we knew there would be -- I mean, we  
22 talked about the COVID issues, and we talked about  
23 getting enough manpower in there. But the  
24 technical issues I think caught everyone off-guard.

25 And it took a -- it took a little bit of

1 time to work through the technical problems to  
2 figure out -- I mean, once they figured out what  
3 was happening with the E-mail and why, you know,  
4 there was basically one application would get just  
5 multiplied, and there -- these were pictures, you  
6 know, they were photos of applications.

7 So the amount of memory they were taking  
8 was just massive. And I don't think anybody  
9 figured out right away what was -- there were  
10 people that couldn't even log in to their own --  
11 into their own computer anymore because the memory  
12 was gone. They couldn't even get into their  
13 E-mail.

14 So it just delayed applications getting  
15 processed. Some applications just were missed. I  
16 mean, you know, it was a good thing to mail them  
17 out, but I don't think anybody thought about the  
18 ramifications of it.

19 Q. And --

20 A. From what I heard from some other counties  
21 used some methods that, you know, our I.T.  
22 department thought that they were, you know, they  
23 weren't the most secure methods for receiving these  
24 applications. So.

25 Q. And the widespread use of absentee

1 ballots, did it have any impact on the lines that  
2 occurred in June at the polling places?

3 A. Yeah. Yes. Because you know, people  
4 weren't getting their ballots in time or they  
5 didn't get them at all, so they went to the polls  
6 instead.

7 And usually what happens is if, you  
8 know -- and this is going to be compounded this  
9 year. With SB -- what SB-202 has done, it's going  
10 to create a similar situation.

11 But it -- if you have -- once early voting  
12 starts, if the voter doesn't have their ballot in  
13 hand, they usually will go in and they will cancel  
14 that application for an absentee by mail in the  
15 polling place, and that takes extra time.

16 And that happened back in 2020. And just  
17 depending on how many applications we get or  
18 absentee by mail going forward, SB-202 has created  
19 a scenario that's going to make that problem just  
20 as bad.

21 Q. And in part the poll worker, when  
22 presented with someone who may have applied for an  
23 absentee ballot, on occasion would they -- it be  
24 necessary for them to have a telephone  
25 communication with the main office of the Fulton

1 County Election Board to verify whether the status  
2 of this voter was, in fact, correctly reflected in  
3 the poll pad or elsewhere of the registration  
4 system?

5 A. You're asking whether somebody -- if  
6 somebody went into the polling place, whether a  
7 phone call would have to be made back to the office  
8 to determine whether that person indeed filled out  
9 an absentee ballot application or whether  
10 we'd received the ballot.

11 Q. Correct.

12 A. Right?

13 Q. Correct. And whether -- and whether that  
14 caused delay in the polling places?

15 A. Yeah, that causes a delay in the polling  
16 places, yes.

17 Q. And let's digress for a moment. But in --  
18 how -- you know, a lot of the absentee ballots  
19 obviously came in through the dropboxes. I think  
20 Fulton County may have had, what, 28? And now  
21 under SB-202 the number is much more limited,  
22 perhaps only eight.

23 Is that what you were referring to when  
24 you thought SB-202 was going to exacerbate the  
25 situation?

1           A.    No.  They crunched the time down when we  
2           can mail them out before early voting.  So close to  
3           when early voting starts, the same thing's going to  
4           happen.  Because you can only -- you have to -- you  
5           can only mail them out a certain time be -- certain  
6           amount of time before Election Day.

7                        So people are going to get -- the way the  
8           mail system is working now with -- it's slow to get  
9           anything through the mail.  They -- by the time  
10          early voting starts, no one's going to have their  
11          ballots.  And if they don't have their ballots,  
12          they're going to go to the polling place and  
13          they're going to cancel their absentee by mail.

14                      So you know, I mean, the legislature does  
15          things without thinking, and this is one of those  
16          things that they've done.  They don't -- they don't  
17          understand how to administer an election, and so  
18          they pass laws that aren't workable.  And I don't  
19          think they -- you know, I -- it's hard for me to  
20          believe that nobody told them that this is going to  
21          happen, but it will.

22                      Now, if there -- people aren't going to  
23          vote by mail as much, it's not going to be as big  
24          of a problem.  But if people had a good experience  
25          voting by mail and they can do it again and it's in

1 a significant -- you know, significantly higher  
2 numbers than we used to get when we would have  
3 30,000, it's going to be a problem at the polling  
4 place when people go to cancel those applications.

5 Q. And as a result of these additional  
6 processes, does Fulton County have to dedicate more  
7 resources to deal with complaints and responding to  
8 complaints and answering to issues on Election Day?

9 A. Yes. And during early voting. I mean,  
10 we've got now, I mean, since 2020, I mean, we've  
11 contemplated it before, but we just weren't getting  
12 the money from the County with regard to budget  
13 but, you know, we've got -- we usually have a  
14 full-time call center now starting at a certain  
15 point before the election begins just to handle all  
16 this stuff.

17 Q. Let's talk about provisional ballots for a  
18 moment. Was there a breakdown in the -- in the  
19 system for use of provisional ballots in the June  
20 2020 election?

21 A. I don't know. I -- can you be more  
22 specific to what you're referring?

23 Q. Sure. Were adequate numbers of  
24 provisional ballots at all the voting -- polling  
25 places in Fulton County in June of 2020?



1           A.    Did we have enough? I don't remember. I  
2    mean, there may -- we may have -- the thing is, is  
3    that, if you -- you can use the B.M.D.s to vote  
4    provisionally.

5                    So you know, really you never -- you will  
6    never run out of the ability to -- there might -- I  
7    think we had more of an issue with provisional  
8    ballot supplies rather than provisional ballots,  
9    because you can print provisional ballots off of  
10   the B.M.D.s.

11                   I believe there were shortages. I just  
12   don't really remember the details about them. But  
13   I think it had more to do with running out of  
14   supplies --

15           Q.    And --

16           A.    -- (inaudible due to cross-talk).

17           Q.    -- following up on that answer,  
18   provisional ballots have to be put inside a certain  
19   kind of envelope. Is that -- is that your -- what  
20   you recall?

21           A.    Yeah. There's a provisional ballot  
22   envelope. There's a -- that they're placed in.

23           Q.    And the integrity of the provisional  
24   ballot is reliant on it, in fact, being in this  
25   envelope. So if there's a shortage of envelopes,

1 then that undermines the ability of that  
2 provisional ballot to be counted; is that fair?

3 A. Well, yeah. But we -- there's certain  
4 information that's needed so that you can do  
5 research whether that pro -- the person that has  
6 voted provisionally actually is a qualified voter.

7 So if that information is not with the  
8 ballot, it is more difficult, yes, or all --  
9 impossible, I guess, to determine whether it's a  
10 valid vote.

11 Q. What was the most prevalent complaint that  
12 voters made in the June 2020 election?

13 A. I don't even remember. I mean, there --  
14 it depended upon the day. I mean, during early  
15 voting there were complaints be -- with regard to  
16 lines.

17 Because you know, especially the first two  
18 weeks, we had about -- we had about one-fifth of  
19 our normal early voting sites open. We had -- by  
20 the end it was maybe one-third of our normal early  
21 voting sites were open. So we had problems with  
22 lines. I mean, that was the big thing during early  
23 voting.

24 On Election Day there were just a lot of  
25 workers that, you know, they didn't understand the

1 system that they were operating as well as they  
2 could have or should have based on what I'd spoke  
3 about earlier with regard to training and an  
4 unfamiliarity with the new system.

5 We had fewer polling places and fewer poll  
6 workers available, so there were -- there were  
7 lines.

8 Q. Let's look at Exhibit Number 11.

9 MR. KNAPP: Adam, could you pull that  
10 up, please?

11 (Whereupon, Plaintiff's  
12 Exhibit 11 was marked for  
13 identification.)

14 MR. KNAPP: And we've been going  
15 about an hour and a half. So after I  
16 question you about this exhibit, why don't  
17 we take a short break.

18 THE WITNESS: Okay.

19 MR. SPARKS: Exhibit 11 has been  
20 introduced. Sharing the screen now.

21 THE WITNESS: Whoops. I'm looking at  
22 this in Veritext. Let me review the  
23 E-mail.

24 BY MR. KNAPP:

25 Q. That's good.

1 (Whereupon, the document was  
2 reviewed by the witness.)

3 THE WITNESS: Okay. I read the...

4 BY MR. KNAPP:

5 Q. Okay. This starts with an E-mail from the  
6 Elections Complaint Alerts at SOS.GA.gov. Do you  
7 see that?

8 A. Yeah.

9 Q. What is that?

10 A. The complaints can go -- any voter can  
11 explain to the Secretary of State's office about  
12 any election issue.

13 Q. And is this Web address -- I mean, E-mail  
14 address part of the Secretary of State's office?

15 A. This is the S.O.S. E-mail address you  
16 referred -- to which you --

17 Q. Yes.

18 A. -- referred?

19 Q. Yes.

20 A. Okay. Yes.

21 Q. Okay. And if the Secretary of State's  
22 office was forwarding a complaint or an issue to  
23 the Fulton County office, who at Fulton is supposed  
24 to be responsible for reviewing and handling those  
25 complaints?

1           A.     Well, they send it -- it goes to an S.O.S.  
2     investigator, and then they will -- they will then  
3     contact our office. And some of the investigators  
4     that have been there a while -- like, Frances was  
5     familiar with my staff.

6                 So she -- Frances would send something to  
7     me and maybe to one of my staff. Or just if she  
8     knew which staff member could probably handle it,  
9     she would just ask them questions about it.

10           Q.    I mean, was it really your responsibility  
11    to dealing -- be dealing with individual complaints  
12    or were you responsible for systemic issues?

13           A.    Yeah, I mean, I don't -- I don't really  
14    respond to individual complaints. Most of my staff  
15    does that sort of thing.

16                 Frances, though, will just, I mean, she  
17    usually will C.C. me on some things when she's  
18    E-mailing my staff. And some of the other --  
19    usually Frank Braun or Paul Braun would -- he  
20    would -- he knew my staff pretty well, too.

21                 But they -- he would usually either ask me  
22    to have a staff member get back to him or just  
23    E-mail them specifically and C.C. me on it.

24           Q.    Who's Blake Evans?

25           A.    He was the elections chief in Fulton

1 County and -- through the -- through June 2020, and  
2 then he became -- now he's the director of  
3 elections for the State of Georgia, and he was the  
4 deputy -- he got hired by the S.O.S. to be the  
5 deputy elections division director after the June  
6 election.

7 Q. Is that a good thing for Fulton County?

8 A. That he was hired?

9 Q. Yes. I mean, you lose a -- you lose a  
10 colleague, is that a good thing or a bad thing?

11 A. Well, I mean, it was good for Blake. I  
12 mean, it was a good -- I mean, he, you know, he --  
13 I think he got a job that was more a 40-hour-a-week  
14 job and was able to be home with his family. And  
15 he has a young family, and he had a baby on the  
16 way. So. And it was a -- it's essentially a  
17 promotion for him, so I'm not going to, you know,  
18 begrudge him for that.

19 With us it -- we -- you know, it kind of  
20 put us in a bad spot going into the next elections  
21 but, you know, we wished him well and...

22 Q. How did it kind of squeeze you going into  
23 the next election without Mr. Evans there as a  
24 resource?

25 A. Oh, we had to find a new elections chief.

1 And so I had to ask my previous elections chief,  
2 who had retired, to see if he would come out of  
3 retirement and maybe come to work for six months  
4 for the rest of the year.

5 Q. And back to Exhibit Number 11, there's  
6 this complaint. It goes up the chain to Mr. Evans  
7 and Mr. Harvey.

8 A. Yes.

9 Q. Mr. Harvey is with the Secretary of  
10 State's office; is that correct?

11 A. Yes.

12 Q. And he asks whether someone can check  
13 out -- check this out, and Ms. Watson says okay.  
14 Is it part of the responsibility of the Fulton  
15 County election staff to go check out every  
16 complaint that the Secretary of State might forward  
17 to them?

18 A. Well, what they're doing is they're --  
19 they are letting us know in this -- yeah, we'll --  
20 I mean, we get -- if we find out about a complaint,  
21 we'll usually get in touch with the poll manager  
22 unless we already know about it.

23 And I don't -- I don't have any  
24 recollection of Warren Jackson School having an  
25 issue, but it's -- you know, it could have. I

1 don't know. But yeah, they'll usually just -- you  
2 know, Johnny Harris was responsible for  
3 investigating anything that -- if it came to us.

4 Usually, if a -- if something like this  
5 happened, we'll get in touch with the poll manager,  
6 find out what happened. And then we'll give the  
7 information also to whichever investigator is going  
8 to look at the matter.

9 MR. KNAPP: Okay. Why don't we take  
10 a short break. It's 10:47. Why don't we  
11 come back -- I mean, 11:47. Why don't we  
12 come back at 12:00 noon.

13 (Whereupon, a discussion ensued  
14 off the record.)

15 THE VIDEOGRAPHER: The time is 11:47  
16 a.m. We are now off the record.

17 (Whereupon, a discussion ensued  
18 off the record.)

19 (Whereupon, there was a brief  
20 recess.)

21 THE VIDEOGRAPHER: The time is 12:01  
22 p.m., and we're back on the record.

23 MR. KNAPP: Thank you.

24 Adam, bring up, if you would, Exhibit  
25 Number 13.



1 MR. SPARKS: Exhibit 13, stand by.

2 (Whereupon, Plaintiff's  
3 Exhibit 13 was marked for  
4 identification.)

5 MR. SPARKS: Exhibit 13 should be  
6 published. Sharing screen now.

7 MR. KNAPP: Thank you, Adam.

8 BY MR. KNAPP:

9 Q. I'm showing the witness Exhibit 13, which  
10 starts as -- it's a two-page exhibit. It starts  
11 again as an E-mail from the Elections Complaint  
12 Alerts at SOS.GA.gov. It seems to be sent to  
13 Elections Complaints at SOS.GA.gov, which is kind  
14 of interesting.

15 Have you ever seen this document before?  
16 It looks like at the top it was then forwarded to  
17 you.

18 A. If I saw it, I don't -- well, let me read  
19 it real quick, but I mean --

20 Q. Please do.

21 A. -- I...

22 (Whereupon, the document was  
23 reviewed by the witness.)

24 THE WITNESS: I don't remember this  
25 at all.

1 BY MR. KNAPP:

2 Q. Okay.

3 A. I mean, have I seen it? I mean, it's  
4 possible. I mean, you know, it went to my E-mail  
5 box, so I'm sure I saw it at some point, but I have  
6 no recollection of it.

7 Q. Okay. The issue of having precincts  
8 merged or precinct locations changed, how did  
9 that -- did that practice occur in the June 2020  
10 election?

11 A. Yeah. Yes. We had to -- we had to  
12 consolidate a lot of precincts into polling places.  
13 Now, between June and August, I don't remember if  
14 we tried to increase the number of polling places  
15 between June and August.

16 I would say that you usually don't want to  
17 change your polling places between a general  
18 primary and a run-off or a general election and a  
19 run-off. So.

20 But I -- so I don't know, we may have  
21 added ten more polling places or something, but  
22 that merger probably would have been done prior to  
23 the June election.

24 Sometimes voters might -- you know, they  
25 will log a complaint and they don't have all the

1 information. So I'm not sure, you know, it's  
2 hard -- it's kind of hard to -- unless I go through  
3 the whole history of what happened between June and  
4 August, it'd be really hard to talk about this.

5 Q. You'd agree that changes in polling  
6 locations or precincts is sometimes difficult to  
7 voters if they don't keep themselves up to date?

8 A. Well, yeah. Yeah. I mean, you want to  
9 avoid polling place changes as much as possible  
10 unless they're necessary, especially between an  
11 election and its run-off.

12 Q. And --

13 A. It doesn't look like he voted -- it  
14 doesn't look like he voted in the general election  
15 at the polling place. He went to the run-off --

16 Q. Correct.

17 A. -- and voted in person.

18 Q. Correct. So it very well may have changed  
19 in June and he wasn't aware of it until he actually  
20 appeared in person in August, it sounds like.

21 A. Yes.

22 Q. Now, back -- going back to June 2020,  
23 there was, and my understanding, and correct me if  
24 I'm wrong, is that there was significant  
25 consolidation in certain precincts, with perhaps

1 the most famous being the Park Tavern situation.

2 A. Yeah.

3 Q. And of course, that was the one that the  
4 national news, of course, took pictures of. That,  
5 aside from that --

6 A. It was also an analysis done that it was  
7 the, I think the third most efficient polling place  
8 in the whole state that day processing voters per  
9 hour.

10 Q. Yeah. It was processing, like,  
11 approximately 150 an hour or more?

12 A. Yeah. The -- yeah. But the problem was  
13 there were about 400 people in line before the  
14 polls opened, so it was behind the eight ball  
15 before they even got going.

16 Q. Of course, you know, the size of the  
17 precinct had something to do with it as well;  
18 wouldn't you agree?

19 A. Yeah. But we also -- we also found out  
20 ten days before the election from A.P.S. that Grady  
21 High School was going to be no longer available,  
22 and we didn't have anywhere else to put those  
23 voters except at Park Tavern.

24 Q. Right. I'm not trying to suggest that you  
25 had a viable alternative. The circumstances sounds

1       like it forced on you to make use of the precincts  
2       that you had available to you to handle the voters  
3       you had; is that -- is that fair?

4           A.     Yep.

5           Q.     And it appears -- what's the normal number  
6       of registered voters that you like to have in a  
7       precinct?

8           A.     I mean, it's best to have, I would say,  
9       less than 5,000, 5,000 or less.

10          Q.     And due to COVID and the -- and the loss  
11       of a number of locations at schools and other --  
12       and senior homes and the like in June of 2020, you  
13       had to do some precinct consolidation at much  
14       larger numbers; is that correct?

15          A.     For June?

16          Q.     Yeah.

17          A.     Yeah.

18          Q.     June 2020.

19          A.     Yeah. We had, I mean, 40 some polling  
20       places that we didn't use. So --

21          Q.     Okay.

22          A.     -- those voters all got combined with  
23       other locations.

24          Q.     Did the Secretary of State play any role  
25       in this precinct re-allocations?

1 A. No.

2 Q. And is it -- how many voters were  
3 ultimate -- registered voters were ultimately  
4 placed into the Park Tavern precinct?

5 A. How many registered voters -- you broke up  
6 for me. You said how many voters something.

7 Q. How many registered voters were  
8 consolidated into the Park Tavern precinct for June  
9 of 2020?

10 A. I think there was right around 16,000,  
11 something along those lines.

12 Q. Now, you were bringing perspective to that  
13 in part by pointing to the efficiency of that  
14 particular precinct; is that correct?

15 A. Yes.

16 Q. And it's not simply a measure of  
17 necessarily of the size of the precinct but also  
18 how efficient that particular precinct is in  
19 processing voting; is that correct?

20 A. Yeah. And if you have a long line before  
21 the polls open, even if you are the most efficient  
22 place in the state and you have -- you have 400  
23 people in line and you could process 170 voters per  
24 hour, just to clear out the line that's there  
25 before the poll opens you're going -- you -- that's

1 going to take you, you know, three hours, or two  
2 and a half hours, just to clear those voters out,  
3 not to mention the ones that continue to get in  
4 line.

5 Q. Is there -- is there a way to deal with  
6 that?

7 A. Well, yeah, through early -- well, the  
8 best way to deal with it is to have a lot of early  
9 voting or absentee by mail, and you take the  
10 pressure off of the polling places. And you also  
11 have enough Election Day polling places.

12 You know, by the time November rolled  
13 around, I think we had two hundred and, I think, 64  
14 Election Day polling places. We increased the  
15 number by a hundred. And we also, you know, we  
16 ran -- we had 33 early voting sites.

17 So we had the most number of people and  
18 the highest percentage of people that had ever  
19 voted early voted in that November election. They  
20 voted -- the highest proportion, like 60 percent,  
21 they voted early, and which broke the 59.1 in the  
22 previous presidential.

23 And then we had 28 percent vote by mail in  
24 November and -- of the people who voted, they voted  
25 by mail. So only 12 percent of the voters showed

1 up on Election Day for the November 2020 election.

2 And now, in June it wasn't even -- the --  
3 probably could flip those numbers. The more people  
4 you have showing up on Election Day, you don't have  
5 enough Election Day polling places to handle them,  
6 you're going to have lines.

7 Q. And the World Congress Center as a voting  
8 site, did that -- did that help carry the load on  
9 Election Day?

10 A. You mean for -- well, we didn't use -- we  
11 used the Georgia World Congress Center for logic  
12 and accuracy testing. And then for the January  
13 election we used that all for absentee by mail. We  
14 were using State Farm Arena for early voting for  
15 the November election.

16 And they, yeah, they, I mean, they could  
17 have processed 15,000 voters a day there  
18 comfortably. They were doing 4,000 without  
19 straining on some days.

20 And yeah, it was a big help. Because  
21 most, you know, most polling -- early voting  
22 polling places, if they do a thousand in a day,  
23 they're swamped all day. So State Farm could do it  
24 easily.

25 Q. Is there any prospect that that number of



1 polling places and --

2 A. I'm there. I just --

3 Q. I know. I've got a puppy, too. She rules  
4 my life.

5 Anyway, is there a prospect that that kind  
6 of intensity of polling places and scope such as  
7 the State Farm Arena are going to be part of the  
8 general practice of the Fulton County elections in  
9 the future?

10 A. I don't know. When the presidential rolls  
11 around, the president of the Hawks indicated he  
12 might be interested in doing something again. And  
13 it's possible that Mercedes-Benz might accommodate  
14 it as well, because they jumped in in January.

15 I know for the governor's, I don't believe  
16 for the fall election that either one of them are  
17 going to be involved. We'll probably have the same  
18 number but, you know, getting a mega-site like  
19 that, it -- you know, their, whatever their  
20 schedule is is going to determine whether they're  
21 going to want to get involved in that.

22 Q. Did they do that gratis or were --

23 A. Yes.

24 Q. -- were you able to compensate them for  
25 taking on some of these --

1 A. They did --

2 Q. -- duties?

3 A. They did it for free. And State Farm used  
4 their own employees and paid them themselves -- paid  
5 them to be there. We only had about maybe four  
6 people that we assigned at State Farm, and the rest  
7 of them were all Atlanta Hawks State Farm  
8 employees.

9 Q. That's remarkable, isn't it?

10 A. Yes.

11 MR. KNAPP: Okay. Let's see, how  
12 about turning to -- let's try Exhibit  
13 Number 25. Let me make sure it's not  
14 privileged. Yes, 25.

15 (Whereupon, Plaintiff's  
16 Exhibit 25 was marked for  
17 identification.)

18 BY MR. KNAPP:

19 Q. This is a PowerPoint of a number of pages,  
20 perhaps ten.

21 MR. KNAPP: Adam, can you bring that  
22 up, please?

23 MR. SPARKS: Yes. I'm working on it  
24 now.

25 MR. KNAPP: Thank you.

1 MR. SPARKS: Exhibit 25 has been  
2 published. Sharing screen now.

3 MR. KNAPP: It should be in the  
4 share -- is it in the Share file as well?

5 MR. SPARKS: Yes. It should be by  
6 now.

7 THE WITNESS: I'm checking for it as  
8 well.

9 BY MR. KNAPP:

10 Q. Yeah. Take your time. It's kind of long,  
11 Rick. But when you find it, read through it and  
12 then tell me when you've had a chance to digest it.

13 A. Okay. I've got it up now.

14 (Whereupon, the document was  
15 reviewed by the witness.)

16 THE WITNESS: Okay. I mean, I've  
17 kind of, I've breezed through it. I've --  
18 okay.

19 BY MR. KNAPP:

20 Q. Have you seen this PowerPoint before --

21 A. No.

22 Q. -- Mr. Barron?

23 A. No.

24 Q. Okay. And in your experience as executive  
25 director of the Fulton County Board of Elections

1 and Registration, was it common to have a  
2 PowerPoint like this generated, presumably by the  
3 Secretary of State, critiquing the Election Day  
4 issues as they were handled by Fulton County?

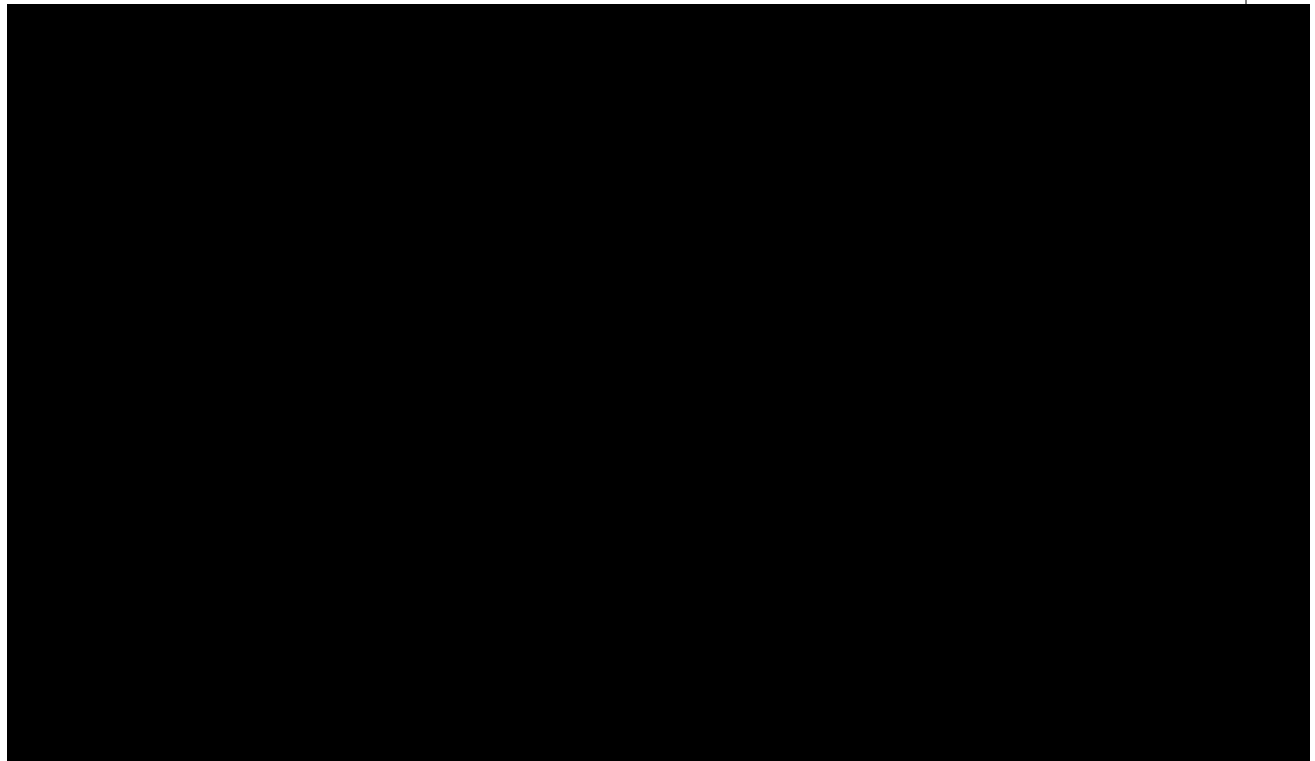
5 A. No.

6 MS. LAROSS: And I object to the form  
7 of the question.

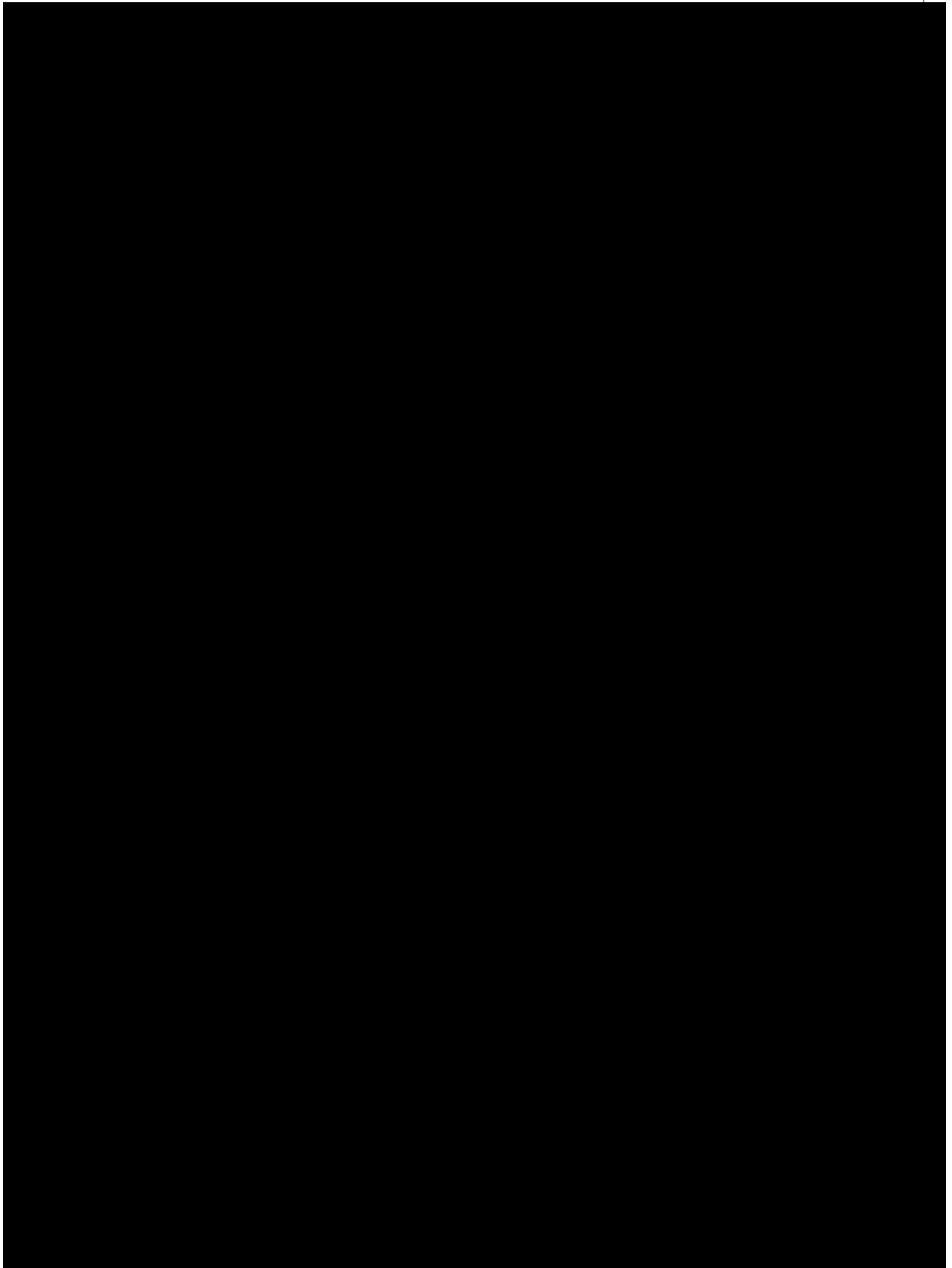
8 And also, Halsey, since this is a  
9 document that's marked "confidential,"  
10 that this portion of the transcript ought  
11 to be confidential as well.

12 MR. KNAPP: That's obviously  
13 agreeable. Thank you.

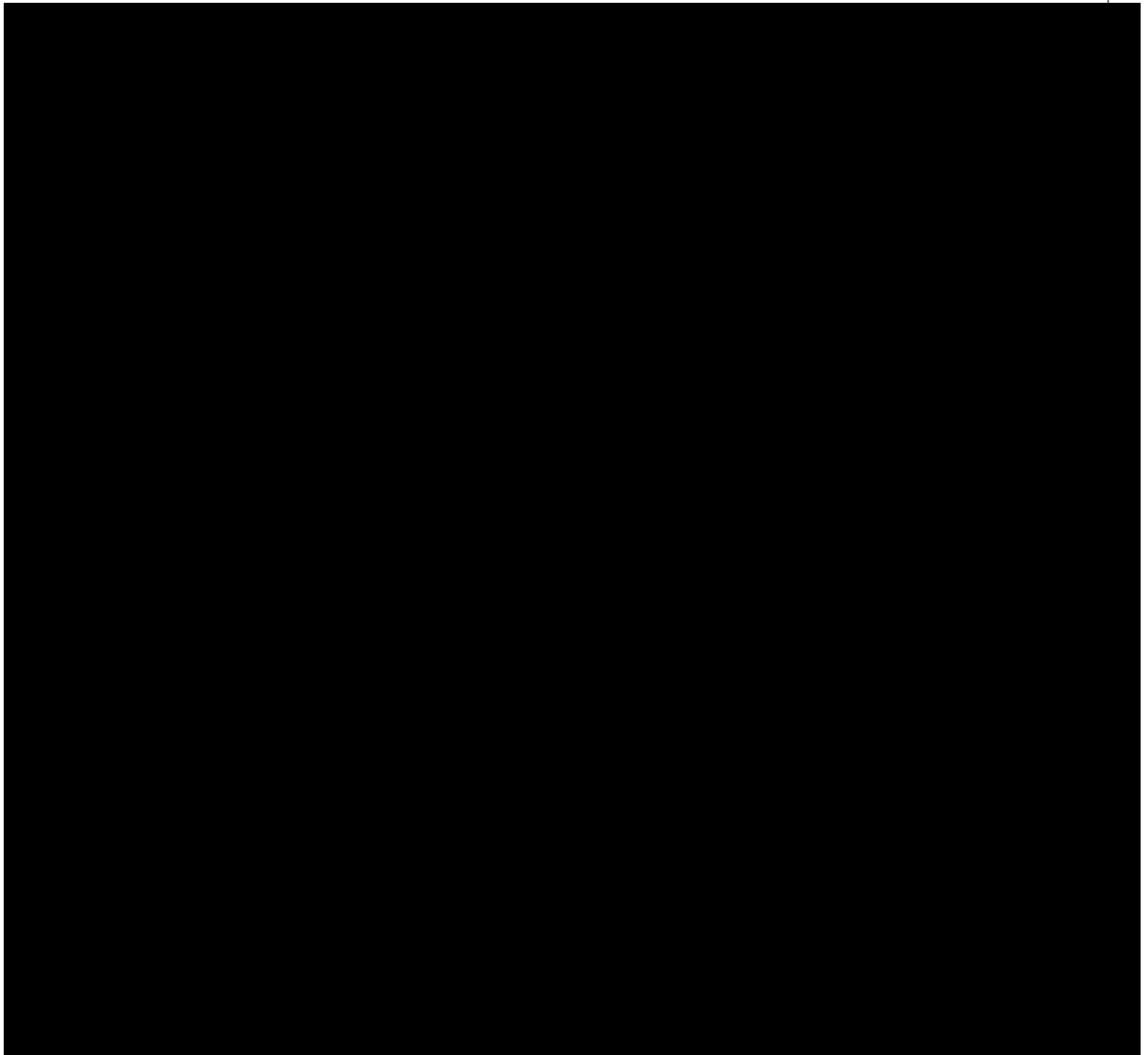
14 BY MR. KNAPP:



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MS. RINGER: I'm sorry. Can I ask  
that we go off the record for a second?

MR. KNAPP: Sure.

THE VIDEOGRAPHER: The time is 12:21  
p.m. We are now off the record.

(Whereupon, a discussion ensued  
off the record.)

THE VIDEOGRAPHER: The time is 12:26

1 p.m. We're back on the record.

2 MR. KNAPP: Adam, let's pull up  
3 Defendant's [sic] Exhibit Number 34.

4 MR. SPARKS: 34, stand by.

5 (Whereupon, Plaintiff's  
6 Exhibit 34 was marked for  
7 identification.)

8 MR. KNAPP: Ms. LaRoss, this and  
9 several others emanate from the State  
10 Election Board, so I'm bringing them up  
11 now so that we can determine whether or  
12 not you need to get additional information  
13 on them to determine whether or not you  
14 feel that discussion of them in this  
15 deposition would not be appropriate.

16 Okay?

17 34 is marked "confidential."

18 MS. LAROSS: Sorry. Sorry. Excuse  
19 me. I was on mute. I was responding to  
20 you. Sorry about that.

21 Okay. So can you send them to me so  
22 I can take a look at them before we show  
23 them to the witness and have them part --  
24 become part of the deposition?

25 MR. KNAPP: Yes.

1 Adam, would you forward it -- forward  
2 Exhibits 34 and 35 and 12 -- 12, 34 and 35  
3 to Ms. LaRoss for her -- and you might as  
4 well send it to -- is it okay to send it  
5 to Mr. Ringer at the same time, Diane?

6 MS. LAROSS: Is -- they're documents  
7 that were produced by the State to all  
8 parties in this action --

9 MR. KNAPP: That's what -- yeah, it's  
10 very --

11 MS. LAROSS: -- to the attorneys?

12 MR. KNAPP: Yep, it's -- they're all  
13 marked "confidential" -- well, the second  
14 one is not even marked "confidential," but  
15 I -- it doesn't have a Bates number on it,  
16 which makes me curious.

17 Why don't you look at them,  
18 Ms. LaRoss, and decide whether they should  
19 be shared with Ms. Ringer. But I don't  
20 want to leave her out if it's appropriate  
21 for her to review, that's all.

22 MS. LAROSS: Sure.

23 MS. RINGER: Thank you.

24 MS. LAROSS: Okay. I don't want to  
25 leave you out, Cheryl.



1 All right. Thanks, Halsey. I think  
2 that's a reasonable request, sure.

3 MR. KNAPP: Okay. Let me -- let's go  
4 back to Exhibit Number 26.

5 (Whereupon, Plaintiff's  
6 Exhibit 26 was marked for  
7 identification.)

8 MR. SPARKS: All right. I've  
9 E-mailed intended Exhibits 34 and 35 to  
10 counsel for State defendants and Fulton  
11 defendants. I will now pull up Exhibit  
12 26. Stand by.

13 MS. RINGER: I will wait to take a  
14 look at the documents until Diane notifies  
15 me that she thinks it's okay. I just --

16 MS. LAROSS: Thank you. Yeah, I  
17 haven't received them yet, but they should  
18 be coming any moment.

19 MR. SPARKS: Exhibit 26 has been  
20 published. Sharing screen now.

21 MR. KNAPP: Thank you.

22 BY MR. KNAPP:

23 Q. This appears to be a two-page E-mail  
24 chain, starting with a gentleman by the name of  
25 Varghese, with Ryan Germany and Jordan Fuchs.

1           A.     This is -- this is Number 26 you're  
2     wanting me to open?

3           Q.     Yes.    Please open Number 26.

4           A.     Okay.

5           Q.     I don't see you marked on this E-mail  
6     anywhere, but let me ask you this.   On Election Day  
7     in June of 2020, we've talked some about the  
8     machine issues that prevented opening on time, do  
9     you -- were you ever contacted by the Secretary of  
10    State's office on that day with regard to the  
11    complaints being raised by this Mr. Varghese?

12          A.     I don't remember.   I mean, it's possible.  
13    I don't -- his name doesn't ring a bell.

14          Q.     Okay.   And there's nothing about this  
15    E-mail that I can see that adds any color to the  
16    issues we've already discussed about the problems  
17    that related to those late openings due to the  
18    machines.

19                 Is that true for you as well?

20          A.     That -- okay.   Sorry.   I was reading this  
21    last -- what?   Can you repeat that, please?

22          Q.     Yes.    I don't see anything that adds any  
23    more detail to the discussion we've already had  
24    about the causes of the late openings on June 26th.

25                 Would you agree?

1 A. No.

2 Q. No, it doesn't?

3 A. I don't think so. I mean, I'm not sure if  
4 these are the same polling places listed, but --  
5 oh, yeah, these are actually from various counties.

6 Q. Yeah. It looks like there's one or two  
7 having to do with Fulton.

8 A. Yeah.

9 Q. One of them is Liberty Baptist Church, and  
10 the other is William Walker Rec Center. I'm not  
11 sure I recall those, but you would know better than  
12 I.

13 MR. KNAPP: Exhibit Number 26,  
14 please, Adam -- I mean 27.

15 (Whereupon, Plaintiff's  
16 Exhibit 27 was marked for  
17 identification.)

18 MR. SPARKS: Exhibit 27 has been  
19 published. Sharing screen now.

20 MR. KNAPP: Thank you.

21 BY MR. KNAPP:

22 Q. Mr. Barron, this is a --

23 A. Very long E-mail.

24 Q. -- yeah, eight-page E-mail that starts  
25 originally from Julie Houk of the Lawyers'

1 Committee for Civil Rights Under the Law. It began  
2 with her entry on July 13th at 3:37 p.m.

3 Do you recall in that time frame an issue  
4 arising as to whether non-partisan absentee ballots  
5 were be -- for the primary and general run-off  
6 election were being distributed instead of  
7 Democratic Party ballots?

8 A. Yeah. There -- yeah, I remember something  
9 about it.

10 Q. If there --

11 A. I was --

12 Q. Go ahead.

13 A. You want me to read through this to --

14 Q. Yes. Refresh your recollection on it, and  
15 we'll -- and I'll ask you a further question.

16 A. Okay.

17 (Whereupon, the document was  
18 reviewed by the witness.)

19 THE WITNESS: Yeah, it references, at  
20 some point it references that I had  
21 responded to something, but I don't see  
22 the res -- my response in there. And then  
23 it goes on.

24 (Whereupon, the document was  
25 reviewed by the witness.)

1 THE WITNESS: Okay. Looks like  
2 there's some correspondence in -- that  
3 isn't in the chain that is referred to.  
4 So. I mean, I somewhat remember this.

5 BY MR. KNAPP:

6 Q. As best you can given that there is some  
7 part of the conversation that's not before us at  
8 the moment, you do reply to Ms. Houk and say:

9 "I'm going to ask the State to do  
10 this since it was their error."

11 Can you explain why you were of that  
12 opinion?

13 A. If I --

14 Q. (Inaudible due to cross-talk)?

15 A. There were, for some reason there were  
16 some voters that were sent incorrect ballots. And  
17 it was part of a -- there was a mail-out that was  
18 done where the ballots went I think from the ballot  
19 vendor, it was probably Runbeck, and those ballots  
20 were mailed.

21 And I don't -- I can't -- it was either,  
22 like, 700 voters or 1,100 voters that were supposed  
23 to receive ballots as part of a, like -- because  
24 they had requested them for both elections.

25 They received non-partisan ballots

1       incorrectly and they -- for the June election, and  
2       it was marked that they -- they received ballots  
3       from one party.

4               I think that they got Democrat ballots in  
5       June, I believe, and then in July -- or for the  
6       August election they started receiving -- these  
7       voters were all getting non-partisan ballots rather  
8       than the ballots from their party.

9               And we weren't involved in that process  
10       because they -- it was just something that where it  
11       was an auto -- a file that was sent from the State  
12       to --

13               (Whereupon, there was technical  
14       difficulty making the audio  
15       unintelligible.)

16               (Whereupon, a discussion ensued  
17       off the record.)

18               THE WITNESS: -- to Runbeck, the  
19       ballot vendor, who would mail these out.

20               And somehow the ballot -- all of  
21       these people had a certain -- they were --  
22       the ballots were supposed to go, from a  
23       certain party were supposed to go to those  
24       voters. I believe that they were Democrat  
25       ballots.

1           Whatever happened in -- with the file  
2           that went from the State to Runbeck, they  
3           were marked incorrectly, and so they were  
4           sent non-partisan ballots instead.

5       BY MR. KNAPP:

6           Q.     So let me review and see if I understand  
7           the process correctly. The Secretary of State  
8           would receive --

9           A.     (Inaudible).

10          Q.     -- would receive from various counties a  
11          request for an absentee ballot which would be  
12          loaded into the ENet system; is that what you said?

13          A.     Yeah. And these would have been entered  
14          in before the June election. So they would have --

15          Q.     Okay.

16          A.     Their -- they would already have the  
17          designation, and the designation would have been  
18          correct in June.

19          Q.     All right. And then the Secretary of  
20          State would compile those into a transmittal that  
21          it would take to Runbeck, who was the company that  
22          was going to print the actual ballots and mail them  
23          directly back to the individual voters?

24          A.     Yeah.

25          Q.     Okay.

1           A.     If I remember right, there was some  
2           confirmation that we went back in and we looked at  
3           these voters and noticed that they, when they had  
4           been processed in the June election, they had  
5           then -- something was changed in the file between  
6           June and the August election.

7           Q.     And --

8           A.     They had been entered correctly initially.  
9           So.

10          Q.     Okay. And did your staff have continuing  
11          access to the ENet system such that it's possible  
12          that they were the ones that made these changes  
13          or --

14          A.     This was --

15          Q.     -- are you of a different belief?

16          A.     This was something that was --

17                 MS. LAROSS: I object to the form of  
18          the question.

19                 Excuse me, Mr. Barron.

20          BY MR. KNAPP:

21          Q.     Go ahead.

22          A.     Me?

23          Q.     Yes.

24          A.     Yeah, I, I mean, I don't remember all of  
25          the details. It's been a couple years. But I just



1 remember that where it went -- the error was on the  
2 side of the State.

3 Q. And it goes on and the discussion kind of  
4 transforms --

5 A. I can tell you this, the process is  
6 supposed to be automatic. So we would not have  
7 been involved in those ballots going out to the  
8 voters in August. Because --

9 Q. Got it.

10 A. -- it was already designated what would --  
11 the disposition of those prior to June.

12 Q. Okay. And is --

13 A. It was on a rollover list. It was a list  
14 that would just, that would be generated and  
15 automatically they would be sent.

16 Q. And then the discussion moves to a  
17 discussion where it says, quote:

18 "Rick Barron E-mailed me to advise  
19 me that he would be issuing some sort  
20 of guidance on the submission of  
21 absentee ballot applications via  
22 E-mail..."

23 Was there an issue with using E-mail as an  
24 application means of communication that you found  
25 not to be ideal?

1           A.     Well, there were no standards set for how  
2     they would be accepted. I mean, you could get them  
3     in all sorts of file formats.

4                     And so we wanted them to be of a certain  
5     size, like, one megabyte to five megabytes in size,  
6     and then you could only submit them in either  
7     P.D.F. or I think -- what's the other -- there's  
8     P.D.F. and P.N.G., and I don't remember what the --  
9     there's, like, three or four common formats to  
10    submit ballots.

11           Q.     Uh-huh.

12           A.     And so we were going to limit them to  
13    that. And if they were not submitted in a common  
14    format, we were going to have the voter resubmit  
15    them.

16                     Because we didn't want to have the issues  
17    with our printers again, and we wanted there to be  
18    some sort of standard set about how voters could  
19    submit the applications through E-mail.

20           Q.     And has that happened since that time,  
21    that the more standard format requirements have  
22    been in -- put in place by the Secretary of State?

23           A.     Well, no. We did it at our -- at the  
24    county level.

25           Q.     Okay. And --

1           A.     The State put in a port -- then we built  
2     our own portal as well through U.S. Digital  
3     Response that was ready before the November  
4     election. We had a -- I think we got it ready in  
5     August of 2020. And I think the State came out  
6     with their portal in September.

7           Q.     Okay.

8           A.     The portals made it much easier to process  
9     the absentee applications.

10          Q.     It would have been helpful to have them in  
11     the spring of 2020; correct?

12          A.     Yes.

13          Q.     All right. Let's turn back to Exhibit  
14     Number 1, which is the notice of deposition, and  
15     look at topic number five. But for the two  
16     documents we have under consideration, I'm done  
17     with looking at topic four, and let's look at topic  
18     number five.

19          A.     What exhibit?

20          Q.     It's Exhibit Number 1. And I'll have  
21     Mr. Sparks republish that.

22          A.     Okay. Oh, I see Exhibit 1 on there.

23          Q.     And turn to Page 6, if you would, please.

24          A.     Okay.

25          Q.     It reads, topic number five:

1 "Any communications with the  
2 Secretary of State about the  
3 implementation and operation of the  
4 election system in Fulton County."

5 A. Okay.

6 Q. Well, first let me ask, what, if anything,  
7 did you do to prepare to speak to this topic?

8 A. I mean, I spoke with my attorneys on it  
9 about these things.

10 Q. Did you review any documents?

11 A. I haven't reviewed any specific documents,  
12 no.

13 Q. Okay. Have you had -- have you, on behalf  
14 of the Fulton County Board of Elections and  
15 Registrations, had any communications directly with  
16 the Secretary of State about the implementation and  
17 operation of the election system in Fulton County?

18 A. I mean, yeah. I mean, it was -- I think  
19 started in 2019, I guess.

20 Q. Tell me as best you can recall of the  
21 issues that you were discussing with the Secretary  
22 of State.

23 A. With the vote with the implementation?

24 Q. Really it's not limited to any par --  
25 subset of issues with the election system, but any

1 issue that you might be discussing with him over  
2 that period of time.

3 A. Are -- and are you talking specifically  
4 about Secretary of State Raffensperger or just the  
5 office?

6 Q. I'm talking about the office as a whole.

7 A. I mean, there were -- you know, they, I  
8 think, would let us know when they thought we were  
9 going to get our equipment delivered. There were  
10 communications about the training manual.

11 You know, there have been -- any issue, if  
12 we had any issues arise -- I mean, I don't -- are  
13 there specific issues you want to talk about?  
14 Because...

15 Q. Well, that --

16 A. There have been, I'm sure there have been,  
17 you know, conversations here and there throughout  
18 the whole thing on a variety of topics, but I don't  
19 know how to narrow that down for what you want  
20 to...

21 Q. Well, this is actually designed to elicit  
22 all of those. So you've got to help me break it  
23 into digestible pieces, I guess is the way to say  
24 it.

25 A. I mean, we talk about the schedule, the

1 delivery schedule. You know, they told us we'd  
2 probably have all of our equipment delivered by  
3 sometime in -- towards the end of January of  
4 2020 --

5 MS. RINGER: Rick, can you come  
6 forward to your computer? I think she's  
7 having trouble, the court reporter is  
8 having trouble hearing you.

9 THE WITNESS: I think by the end of  
10 January of 2020 we were supposed to have  
11 all or most of our equipment. They told  
12 us, you know, the quantities we were going  
13 to receive. You know, there were  
14 communications about picking up the old  
15 equipment.

16 Do you have any questions on that  
17 topic?

18 BY MR. KNAPP:

19 Q. No. I think we've explored those pretty  
20 thoroughly.

21 A. Okay. You know, I mean, we've complained  
22 about the poll pads taking forever and -- to upload  
23 the bulk file. And we -- I know that we made at  
24 least one request about getting rid of this having  
25 the statewide bulk file, you know, breaking it down

1 into smaller portions so it didn't take so long to  
2 update that.

3 I don't know what else I...

4 Q. Well, did you ever have any discussions  
5 with their office as to the impact that COVID was  
6 having on your office, particularly with regard to  
7 the June 2020 election?

8 A. Oh, yeah. Yeah, we -- I had some phone  
9 calls. Like, Blake and I talked to Chris Harvey a  
10 few times about that, just about that we, you know,  
11 we were losing polling places almost by the day at  
12 some point. And we were losing workers.

13 We were losing -- we didn't -- we had  
14 lost -- we lost, like, six out of every seven early  
15 voting worker that we would normally bring in.  
16 They just didn't want to work. We were losing  
17 Election Day poll workers. We were losing polling  
18 places. Yeah, we were talking about the impact.

19 We talked about the issues we were having  
20 with regard to the absentee by mail process prior  
21 to the June election. And those were -- those were  
22 some common -- we were trying to keep, I guess, in  
23 fairly regular contact with them about that. You  
24 know, just the difficulties not being able to train  
25 people in person was an issue.

1 Q. Did they have any helpful recommendations  
2 or resources they made available with you to deal  
3 with these -- any of these issues?

4 A. No. It was mostly just keep, you know,  
5 keep us abreast of developments. You mean were  
6 they offering help?

7 Q. Yeah. Were they help -- offering help?

8 A. No. But we were wanting to let them know  
9 that there were -- you know, seemed like that the  
10 train was about ready to derail.

11 Q. And let me ask this, have you ever had any  
12 conversations directly with actually Secretary of  
13 State Raffensperger?

14 A. No. I don't think he would stoop so low  
15 as to talk to me.

16 MS. LAROSS: Again, I object to the  
17 responsiveness of the answer.

18 BY MR. KNAPP:

19 Q. Do you think the refusal -- no, I don't  
20 know if "refusal" is the right word.

21 Would you have been better able to  
22 discharge your duties and responsibilities if, in  
23 fact, the Secretary of State Raffensperger would  
24 have spoken to you if needed on cert -- on any of  
25 these issues?



1 MS. LAROSS: Object as to form.

2 THE WITNESS: I don't know. I don't  
3 know what kind of -- I don't know what  
4 kind of help they could have given unless  
5 they were -- because I don't think they  
6 have -- they didn't, I don't think they  
7 had any resources to, you know, to provide  
8 to any of the counties.

9 I think they have probably a limited  
10 budget and they're stuck with what that  
11 budget, you know, allotted to them.

12 BY MR. KNAPP:

13 Q. Let me ask the same question with regard  
14 to the State Election Board. Have you ever had any  
15 conversations with the State Election Board that  
16 would be outside of an ongoing investigation?

17 A. You mean about the new voting system?

18 Q. Yes.

19 A. I don't think so. I mean, I had a couple  
20 conversations years ago with -- just, you know,  
21 informal conversations with a couple. One of the  
22 members used to be on a voter protection line. And  
23 so sometimes on Election Days he would call me if  
24 he had an issue he wanted me to check on. But  
25 other than that, no.

1 Q. Okay. Were you expecting to have more  
2 contact and communication with the Secretary of  
3 State's office than you had during this period of  
4 implementing a new election system?

5 MS. RINGER: Objection to the form of  
6 the question.

7 MS. LAROSS: Same objection.

8 MR. KNAPP: Let me hold on for a  
9 moment. And what is the objection?

10 MS. RINGER: Calls for speculation.

11 MR. KNAPP: Oh, okay.

12 BY MR. KNAPP:

13 Q. Please answer if you can, Mr. Barron.

14 A. You know what, I don't know. You know, I  
15 mean, I think when Kemp was Secretary of State, he  
16 called on the phone probably three times, probably  
17 E-mailed a few times, you know, personally, and  
18 there wasn't a new voting system in place.

19 So you know, I would think that on  
20 occasion, yeah, I guess I would have expected there  
21 to be some, you know, with the biggest county,  
22 there at least to be some conversation here and  
23 there every once in a while.

24 Q. Was the Fulton County's experience with  
25 the lack of communication with the Secretary of

1 State himself common to the other counties as well  
2 to your knowledge?

3 A. No.

4 MS. LAROSS: Objection to the form of  
5 the question.

6 THE WITNESS: Not from my  
7 conversations with other directors.

8 BY MR. KNAPP:

9 Q. And what did you learn from other  
10 directors about the pattern of communications their  
11 offices had with the Secretary -- with  
12 Mr. Raffensperger?

13 A. I just -- I mean, they told me that they,  
14 you know, some of them have had -- some of them  
15 have regular contact with him in some form or  
16 fashion. I don't know if it's phone calls or  
17 whatever.

18 But you know, they either will be invited  
19 to things or they will -- or they'll be, you  
20 know -- I don't know what -- on what occasions they  
21 speak to him, but it seems to me that there are at  
22 least some regular conversations that happen  
23 sometimes between him and some of the other  
24 counties.

25 Q. Do you have any understanding as to why

1 the Fulton County experience was different than  
2 these other counties?

3 A. I can speculate as to --

4 MS. LAROSS: Objection as to form.

5 THE WITNESS: -- that but, you know,  
6 that's -- all I can do is just speculate  
7 on it. So I only know him from, you know,  
8 what he says and what he has his people  
9 say about us and the adversarial  
10 relationship he likes to have with us.

11 So.

12 BY MR. KNAPP:

13 Q. Is the adversarial relationship helpful to  
14 your mission to conduct elections within Fulton  
15 County?

16 A. No.

17 MS. LAROSS: Objection as to form.

18 THE WITNESS: No. But I also think  
19 the whole set-up in Georgia, which is --  
20 seems to be unique to Georgia, is -- just  
21 creates that atmosphere, the State  
22 Election Board, the investigations of the  
23 counties, the punitive punishments from  
24 the State Election Board, binding things  
25 over to the attorney general, these types

1 of things.

2 I mean, you know, the other states in  
3 which I've worked, you know, the Secretary  
4 of State's office is there as a helpful  
5 resource to the counties. And you  
6 definitely -- I don't think you can say  
7 that is the case in Georgia.

8 And I think the State Election  
9 Board's relationship with the counties is  
10 nothing but adversarial. And it's -- you  
11 know, I don't know what you want to call  
12 it. They're like kangaroo court sessions.  
13 But that's, you know, here in Georgia  
14 that's -- you just have to deal with it.

15 BY MR. KNAPP:

16 Q. And do you have specific examples of such  
17 dealings with the Secretary -- the State Election  
18 Board in Fulton County?

19 A. Well, I think, you know, you -- your -- a  
20 complaint comes in, an investigator does a  
21 complaint, they present it at the State Election  
22 Board. Sometimes you get notice a week ahead of  
23 time of what's coming.

24 You don't even -- you might not even have  
25 any records left because every two years you

1 dispose of the election records. You may not have  
2 any records to where you can present any sort of  
3 defense on some of these charges that come up.

4 And it just seems like, you know -- I've  
5 had outside observers mention to me that it seems  
6 like, with regard to Fulton, everything gets bound  
7 over to the attorney general on a -- for the same  
8 type of case that it -- they will issue a letter of  
9 instruction to one county but they send it over to  
10 the attorney general for Fulton.

11 I don't -- I've never sat down and -- I  
12 don't really pay attention to State Election Board  
13 hearings. If we have something, I'll appear for  
14 it, but.

15 I don't know if it's true, but there are  
16 quite a few people that say that that's the case.  
17 And you know, it's -- I don't understand the  
18 purpose of the State Election Board, to tell you  
19 the truth. I don't, you know, it doesn't -- it  
20 doesn't serve any good purpose.

21 You know, the Secretary of State's office  
22 in Texas when I was there, they got complaints,  
23 they would forward them to you so that you could  
24 look into them.

25 You know, they had a -- they have a staff

1 of attorneys that were there to answer questions.  
2 They didn't tell you to just contact your county  
3 attorney like we get at ours. They -- it was a  
4 helpful relationship and -- but now here it's just  
5 top down.

6 MR. KNAPP: It's 1:00 o'clock, and  
7 let's break for lunch. How long would you  
8 like to break, everybody? This is a  
9 question to everybody.

10 THE VIDEOGRAPHER: The time is 1:01  
11 p.m. We are now off the record.

12 (Whereupon, a discussion ensued  
13 off the record.)

14 (Whereupon, there was a luncheon  
15 recess.)

16 THE VIDEOGRAPHER: The time is 1:57  
17 p.m. We are back on the record.

18 MR. KNAPP: All right. Adam, would  
19 you publish document number 19?

20 MR. SPARKS: Yes. Stand by.

21 (Whereupon, Plaintiff's  
22 Exhibit 19 was marked for  
23 identification.)

24 MR. SPARKS: Exhibit 19 has been  
25 published. Sharing screen now.

1 MR. KNAPP: Thank you, Adam.

2 BY MR. KNAPP:

3 Q. Mr. Barron, this is a four-page document.

4 A. Uh-huh.

5 Q. And it starts with an E-mail from David  
6 Greenwalt at KNOWiNK.com to Mr. Sterling,  
7 Mr. Tucker at Dominion, regarding Fulton Advance  
8 Voting Issue. And then after that it gets  
9 forwarded by Mr. Sterling to Bailey Brigitte -- or  
10 Brigitte Bailey, I guess it is.

11 Are you fa -- would you read through this  
12 and familiarize yourself with this issue, and then  
13 I want to ask you some questions about KNOWiNK and  
14 what's being described in Exhibit Number 19.

15 A. Okay.

16 (Whereupon, the document was  
17 reviewed by the witness.)

18 THE WITNESS: Okay. I've read  
19 everything.

20 BY MR. KNAPP:

21 Q. Okay. It looks like in September of 2020  
22 you were pulled into a conversation going on about  
23 advanced voting and the status of the poll pads --  
24 pads, yes; is that correct?

25 A. Yes.



1 Q. Tell me what you understand what was going  
2 on there and what your views of the issues were.

3 A. I don't know exactly what the issue was  
4 based on this during the -- it sounds like we were  
5 supposed to do a hard reset on all the poll pads,  
6 which my guys were saying that they did.

7 EPulse is something that is available that  
8 KNOWiNK has. And I think sometime after this I  
9 ended up having a meeting with the C.E.O. of  
10 KNOWiNK, might have been in September, late  
11 September.

12 But I think what the -- we wanted to  
13 get -- we had purchased these things called -- or  
14 we were about to purchase these things called  
15 access point -- I'm forgetting the name at the  
16 moment.

17 Q. Okay.

18 A. But what they do is would allow us, you  
19 can set them up in the polling place and they will  
20 allow you to have -- to see the status of the  
21 polling place -- or of all the poll pads in the  
22 polling place in real time throughout the day.

23 And if there is an issue, you can more  
24 easily, I think, diagnose what the problem is and  
25 what you need to do and whether you need to get a

1 technician out there to actually deal with it  
2 instead of, you know, resetting it.

3 It also allows you to do things like you  
4 know how many voters have been there with -- on  
5 Election Day. It would essentially just give you  
6 more eyes on your own equipment in the field.

7 And it's something that I know, like, when  
8 I worked in Texas back in 2009, '10, '11, we  
9 were -- we already -- we had this technology  
10 available to us through a vendor at Williamson  
11 County a long time ago.

12 And for whatever reason, the State won't  
13 let us have access to ePulse even once we purchased  
14 the equipment that would allow us to do that. So  
15 we have -- so but I don't know what the exact issue  
16 is. I know we were just wanting to be able to have  
17 status to look in on these things.

18 Oh, they were called cradle points.  
19 That's what we purchased. We wanted to be able to  
20 look in so that we could do our own diagnosis and  
21 solve problems and -- without having to call the  
22 State and KNOWiNK and have to get a middleman  
23 involved to do something that we could do  
24 ourselves.

25 Q. Was it called ePulse, E-P- --

1 A. Yeah.

2 Q. -- -U-L-S-E?

3 A. EPulse is the dashboard that gives you a  
4 look at everything.

5 Q. Okay.

6 A. The cradle points are what -- are, like, a  
7 router that you hook up in your -- in each -- you  
8 plug into the wall in your polling place, and it'll  
9 allow you from ePulse to see what is going on on  
10 the poll pads.

11 Q. Okay. And it appears that this was a  
12 culmination of some less than satisfactory  
13 relationship with KNOWiNK up to this point in time?

14 A. Well, and I would say that what I -- what  
15 I'll say about this is that, you know, KNOWiNK was  
16 attached onto the back end of that voting system  
17 contract, and I don't think they were ever really  
18 given an opportunity to provide direct customer  
19 service, because everything had to run through  
20 Dominion.

21 So I think it was within a month or so  
22 after this E-mail that I ended up meeting with the  
23 C.E.O. of KNOWiNK, and I think he just -- he  
24 expressed some frustration with the fact that he  
25 wasn't able to provide customer service to the

1 counties that were using his equipment going  
2 through Dominion and the State.

3 And so he wanted to, you know, I guess  
4 forge some kind of different relationship with  
5 Fulton and maybe some of the bigger counties once  
6 the contract was out.

7 And then he -- but he did offer to help us  
8 in November, at their own cost have someone come in  
9 and help us evaluate what's going on with our poll  
10 pads and the bulk file update. And we learned a  
11 lot more about the product once that started  
12 happening.

13 Q. So that turned out to be a positive  
14 development?

15 A. Yes. Yeah, because I think, you know, I  
16 think what -- you know, you could have got a poll  
17 pad that was -- there are different configurations  
18 of the poll pad that can be purchased, and I think  
19 State went with the cheapest one. And I think it  
20 could be a much better, more effective process --  
21 product in the right environment.

22 Q. And what were some of the enhancements  
23 that you thought were attainable if that ePulse or  
24 other approach was implemented?

25 A. Well, I think we'd be able to be much more

1 responsive to any poll pad issues if we're able to  
2 have ePulse and we could see what the status is  
3 ourselves.

4 I mean, that's one of the big things is  
5 just being able to look in on your equipment  
6 remotely. You might be able to just reset it  
7 remotely. You might be able to just -- you can get  
8 a technician out there quicker, we aren't having to  
9 go through the vendor to deal with that.

10 Or the other thing is some of the  
11 enhancements, for example, now we've added a poll  
12 worker sign-in that's on the poll pad that the poll  
13 workers can just sign in on there rather than using  
14 this paperwork that we'd used before.

15 When that -- that file can then be sent at  
16 the end of the night so we can start processing  
17 poll worker payroll on Election Day. And once they  
18 sign in in the morning, we can even -- we can even  
19 start on it then if we need to.

20 There are some other -- some other things  
21 that, you know, I think that there's a capability  
22 if they were cellular that we could end up sending  
23 messages. We used to be able to send messages in  
24 Texas to our poll workers and prioritize the  
25 message, whether it was high, medium or low

1 priority.

2 And if it was high priority, we could ping  
3 a precinct and the poll worker could not even  
4 operate their -- the poll book that we used without  
5 reading that message first depending. And you  
6 know, for low priority, they could get to it later.

7 But those types of capabilities are  
8 available, I think, with KNOWiNK, but we just  
9 don't, in Georgia we don't have access to that.

10 Q. Okay. Look if you would to the  
11 next-to-the-last paragraph on the front page. It  
12 begins with the words, "In addition, when Blake was  
13 here."

14 Q. [As read] "He and Chris Harvey  
15 struck a deal for us to print ballots  
16 from the B.M.D.s in order to -- us to  
17 avoid having paper ballots in every  
18 style as emergency provisional ballots  
19 in all of our polling places."

20 I think that's referring to provisional  
21 ballots.

22 Q. Right.

23 A. So I mean, we ordered 20 percent of the  
24 voter regis -- the -- we -- the total number of  
25 registered voters in a precinct, we would order

1 20 percent to have them on hand in case of an  
2 emergency.

3 But you can also, you can print  
4 provisional ballots in -- from the B.M.D.s in the  
5 precinct as well. If you were to run out of  
6 ballots, you can actually just print out the ballot  
7 for the voter so that they can -- they can mark  
8 them up and --

9 Q. They would then have to put that in an  
10 envelope and --

11 A. Yeah.

12 Q. -- it would be treated like the other  
13 provisional ballots?

14 A. Yes.

15 Q. And so do I understand this correct --  
16 correctly to mean that the Secretary of State's  
17 representative, Mr. Harvey, was saying this  
18 approach was oh -- was --

19 A. Yes.

20 Q. -- okay with the --

21 A. Yeah, that --

22 Q. -- Secretary of State? Okay?

23 A. Yeah, that was --

24 MS. LAROSS: Let me just object to  
25 the form of the question.

1 THE WITNESS: Yeah, Chris Harvey was  
2 the director of elections for the State,  
3 and he told us -- gave us permission to do  
4 that, yes.

5 BY MR. KNAPP:

6 Q. Okay.

7 MR. KNAPP: Let's try Exhibit 31,  
8 Adam, see if you can pull that up, please.

9 (Whereupon, Plaintiff's  
10 Exhibit 31 was marked for  
11 identification.)

12 MR. SPARKS: Exhibit 31 has been  
13 published. Sharing screen now.

14 MR. KNAPP: Thank you.

15 THE WITNESS: All right. I'm reading  
16 the E -- you want me to read the E-mail?

17 BY MR. KNAPP:

18 Q. Yeah. It's your E-mail to the S.A.F.E.  
19 Commission, so why don't you just read that.  
20 That's the first two pages. Let's not -- we'll  
21 talk about this next -- the last two separately.

22 A. Oh, okay.

23 (Whereupon, the document was  
24 reviewed by the witness.)

25 THE WITNESS: Okay.



1 BY MR. KNAPP:

2 Q. Okay. This is your letter to the S.A.F.E.  
3 Commission in December of 2018; correct?

4 A. Yes.

5 Q. And would you walk me through the opinions  
6 that you expressed here on what you think are  
7 important aspects of a voting system that Georgia,  
8 specifically Fulton County, would like to see as  
9 the S.A.F.E. Commission was considering a new  
10 system?

11 A. Well, it looks like at the time I was  
12 advocating for a VVPAT system, which would -- I  
13 just thought that it was -- I mean, my feeling was  
14 that, if we went to a scanner and a printer, it  
15 would just -- the more -- the more components you  
16 add, the more pain points there are.

17 I had worked with a VVPAT system in Nevada  
18 in 2004 and '5, and it didn't require that the  
19 voter grab a ballot and go -- take -- print the  
20 ballot, take it over to a scanner. It just, it was  
21 connected to the unit itself.

22 And if they were going to go away from  
23 D.R.E.s, at least do something that was -- it would  
24 still require a printer, but it was much less, I  
25 guess I considered it to be, cumbersome than what

1 we currently have.

2 But I didn't really think that they were  
3 going to go with a VVPAT. I had heard that they  
4 weren't even going to consider one. They were only  
5 going to go with something that printed out a  
6 ballot. But I at least wanted to get my opinion on  
7 record.

8 Q. Okay. And can you describe for me the  
9 various components that would -- you called it the  
10 VPAP system? I'm not sure I understand.

11 A. Voter verifiable paper audit trail. And  
12 it's --

13 Q. Okay.

14 A. -- just a printer that connects to the  
15 side of the D.R.E. And it -- you -- the print --  
16 the selections are printed, and the voter can --  
17 you can sit there -- like, on this new system, once  
18 you print out the ballot, the screen goes away. So  
19 you can't verify, you can't take the ballot and  
20 look at your screen, so -- to compare what you  
21 voted.

22 The VVPAT, you have a side-by-side view  
23 of -- you can look -- you can look at the summary  
24 page and you can look at the -- or you can go back  
25 and you can look at what's printed under glass on

1 the VVPAT printer. And so to me it was a much more  
2 simple user-friendly way of having the voter verify  
3 what was on the -- what they selected on the  
4 screen.

5 Then once you hit "cast ballot," the  
6 screen will go away. On this one you can't do it  
7 at the same time for whatever reason.

8 Q. So particularly if you're in a situation  
9 with a long ballot, that would be useful, wouldn't  
10 it, to have the ability to compare side by side?

11 A. I think so, yeah.

12 Q. And it also -- you in here talk again  
13 about your concerns that early voting and it has  
14 its own unique characteristics that also have to be  
15 acknowledged and recognized; is that fair?

16 A. Yeah. I mean, for a small county it's not  
17 as -- you know, if you've got a county that's got  
18 one early voting polling place, it doesn't really  
19 matter to them. It's the big counties that have a  
20 ton of early voting where it gets to be a big  
21 concern.

22 And I think when the State purchases a  
23 uniform system for the whole state, they seem to  
24 purchase the systems with only the rural and medium  
25 sized counties in mind and not what the big

1 counties need. And there's a -- there's a wide  
2 variety of needs with these "one size fits all."  
3 Sometimes it doesn't work.

4 Q. I mean, the scale of the election  
5 operation you have to run would influence your  
6 opinions as to which system would be best, I  
7 assume; correct?

8 A. Yes.

9 Q. I note here in the third paragraph you  
10 portended that the 2020 cycle will be contentious.  
11 You obviously looked into the future.

12 "...we will need to serve the  
13 voters in Fulton County in a manner  
14 that makes it easy and convenient for  
15 them to vote.

16 [As read] "Also, a system with a  
17 paper back-up that is similar to  
18 operation in what we already have will  
19 make the transition to a new system  
20 easier for our Georgia voters."

21 That certainly turned out to be true,  
22 didn't it?

23 A. Yeah. I guess so. I -- yeah, I mean,  
24 I --

25 MS. RINGER: Object to the form of

1 the question.

2 THE WITNESS: Until you brought this  
3 up, I had forgotten about this E-mail.  
4 But yeah, I thought there were systems out  
5 there that would essentially make it --  
6 they were very similar to the Diebold  
7 system that we were using, but a printer  
8 could just be attached to the side. And I  
9 just thought that would be much simpler  
10 for voters.

11 BY MR. KNAPP:

12 Q. And then in the last paragraph or -- on  
13 the first page, you start talking about  
14 ExpressPolls and the ability to move people into  
15 the voting system in the polling areas and to  
16 perhaps even consider polling wide -- countywide  
17 polling locations; correct?

18 A. Yes.

19 Q. And again, why did you favor that  
20 approach?

21 A. To go to countywide polling locations?

22 Q. Yes.

23 A. Well, then you -- anybody can vote  
24 anywhere on Election Day, and you don't have to  
25 restrict them to a precinct on Election Day. It

1 just seems very outdated that we're still -- well,  
2 you almost eliminate paper provisional ballots,  
3 too, completely if you have countywide --

4 (Whereupon, there was technical  
5 difficulty making the audio  
6 unintelligible.)

7 THE WITNESS: Voters that vote  
8 provisionally on Election Day do it  
9 because they are out of precinct.

10 BY MR. KNAPP:

11 Q. Okay.

12 A. You want to eliminate 90 percent of your  
13 provisional ballots, just go to countywide  
14 locations. It's a really --

15 Q. And then that --

16 A. -- simple way --

17 Q. That --

18 A. It's a really simple way to administer an  
19 election.

20 Q. And you would assume, then, also that the  
21 three-day cure period for the provisional ballots  
22 would be less demanding if, in fact, most of them  
23 were eliminated by a voting system where you had  
24 countywide voting; correct?

25 A. Yes.

1 Q. Okay. You were in favor of machine-marked  
2 ballots because of the issue of eliminating the  
3 need for voter reconciliation where the mark wasn't  
4 clear what was intended by the voter?

5 A. Yeah. I mean, I think -- yeah, I'm just  
6 not a proponent of hand-marked paper ballots. So I  
7 mean, you know, the system we had for me is fine,  
8 but I think there were better systems on the  
9 market.

10 Q. Did you -- did you ever get a response to  
11 your letter to the S.A.F.E. Commission?

12 A. No.

13 Q. Okay.

14 A. Not that I remember. Yeah, and I  
15 remember, too, that -- I see now there's a P.S.  
16 where I found out about this meeting the day before  
17 it happened.

18 Q. And it was not in Atlanta, was it?

19 A. No. Looks like it was in Macon.

20 Q. Okay. Mr. -- the Secretary of State,  
21 Mr. Raffensperger, is shown as one of the people  
22 that you sent this E-mail to. Did you ever hear  
23 any comments from him or anybody from his office in  
24 response to your E-mail of December 14th, 2018?

25 A. No. In fact, I didn't really even realize

1 he was on the S.A.F.E. Commission. Well, I guess  
2 that was -- he was still -- he was in the House of  
3 Representatives at that point, I guess.

4 Q. Interesting. Interesting.

5 Okay. Let's see and try Exhibit 32.

6 (Whereupon, Plaintiff's  
7 Exhibit 32 was marked for  
8 identification.)

9 MR. SPARKS: Mr. Knapp, Exhibit 32 is  
10 stamped "attorneys' eyes only." Did you  
11 also want to run this by --

12 MR. KNAPP: Yes. Please do not  
13 pub --

14 MR. SPARKS: (Inaudible due to  
15 cross-talk).

16 MR. KNAPP: Please do not publish  
17 that.

18 Cheryl, do we need to go off the  
19 record to talk about this? This seems to  
20 be a communication between Mr. Barron and  
21 people in the Secretary of State's office.

22 Do you know why it has an attorneys'  
23 eyes only designation?

24 MS. RINGER: I do not.

25 MS. LAROSS: I haven't had a chance



1 to look at it either, so I can't answer  
2 that --

3 MR. KNAPP: Okay.

4 MS. LAROSS: -- question. So maybe  
5 we should go off the record and --

6 MS. RINGER: Yeah, let's go off the  
7 record.

8 MR. KNAPP: Well, let's -- I'll put  
9 that aside for the moment and let me ask  
10 some other -- different exhibits, and then  
11 we'll come back to that when you have  
12 time --

13 MS. RINGER: Okay.

14 MR. KNAPP: -- to check into it.  
15 Okay.

16 But just remind me we need to look at  
17 Exhibit 32 again. All right.

18 MS. RINGER: Adam, if you could send  
19 that to me and Ms. LaRoss, we can maybe  
20 take a look.

21 MR. SPARKS: Yes, I'm happy to do so.

22 MS. RINGER: Okay. Thank you so  
23 much.

24 MR. KNAPP: Adam, and when you get  
25 done with that, if you could bring up

1 Exhibit Number 33.

2 MR. SPARKS: I will.

3 (Whereupon, Plaintiff's

4 Exhibit 33 was marked for

5 identification.)

6 MR. SPARKS: Exhibit 33 has been  
7 published. Sharing screen now.

8 MR. KNAPP: Thank you very much.

9 (Whereupon, the document was  
10 reviewed by the witness.)

11 THE WITNESS: Okay.

12 BY MR. KNAPP:

13 Q. This is an E-mail chain that starts with  
14 the Secretary of State's office and ends up --  
15 well, it actually stays there. But it recites that  
16 Mr. Harvey had a conversation with you and Blake  
17 Evans about an incident in 2019 where two  
18 ExpressPolls were stolen from a precinct. The  
19 precinct was purportedly located at the Grove Park  
20 Recreation Center located at 750 Frances Place  
21 Northwest.

22 Do you have any recollection at all of an  
23 incident of that type?

24 A. Yeah, I remember this.

25 Q. Tell me what you recall of this incident

1 and whether they were ever recovered or whether  
2 there was any -- did it ever turn into any more  
3 than an issue that appears -- than the fact that it  
4 was reported.

5 A. It looked -- so I think from what the  
6 police discerned when they investigated is that it  
7 looked like a couple guys broke in there, were  
8 going to steal some stuff in the kitchen. They  
9 were probably were going after the microwave and  
10 something else, because they had unplugged those or  
11 moved them.

12 And then it looks like they just gave up  
13 in the middle and grabbed the suitcases that held  
14 the -- the suitcase or suitcases that held the  
15 ExpressPolls.

16 And I don't know, I don't remember if they  
17 had stolen anything else, but they did not take the  
18 stuff in the kitchen that they had started to  
19 remove. And not -- as far as I recollect, these  
20 were never recovered, no.

21 Q. Has there -- was there any evidence from  
22 Fulton County's perspective that this somehow  
23 provided these people some unauthorized access into  
24 the ExpressPoll system?

25 A. No. I mean, that -- they would have had

1 to have a password to open it. But I'm sure if  
2 they thought that they were getting -- they  
3 probably thought that they were getting some kind  
4 of computers in there, and they probably realized  
5 what a terrible piece of technology they had  
6 just -- a worthless piece of technology that they  
7 had just stolen.

8 Q. Okay. Let's turn now to Exhibit Number  
9 34. This is a long one, so it'll take a while to  
10 read it.

11 A. This is an E-mail?

12 Q. No. This is the Seven Hills November 2nd,  
13 2020 election report.

14 A. Oh, okay. Is this the appendix or the  
15 executive summary?

16 Q. I couldn't -- I can't tell because I don't  
17 know. It --

18 A. Okay.

19 Q. It looked --

20 A. I mean, I've read this at some point. I'm  
21 pretty -- I know that I've read this thing. You  
22 want me to read it all again or you just want to  
23 start with your questions and I can --

24 Q. Sure.

25 A. -- read if I need to remember.

1 Q. I'll spare you from having to read the  
2 whole thing and just focus you in on the different  
3 issues that it talks about.

4 A. Okay.

5 MR. SPARKS: Exhibit 34 has been  
6 published. Sharing screen now.

7 BY MR. KNAPP:

8 Q. Seven Hills Strategies was the monitor put  
9 in place by the Secretary of State to observe the  
10 activities of the Fulton County Election and  
11 Registration's activities in the February -- excuse  
12 me, the November 3rd, 2020 general election; is  
13 that correct?

14 A. Yes.

15 Q. Okay. And what kind of interaction, if  
16 any, did you have with them as they performed that  
17 task?

18 A. It was just Carter Jones. And you know, I  
19 wouldn't see him every day, but I would say that  
20 he, I mean, he started -- I think my initial  
21 meeting with him was somewhere around October 19th  
22 or 21st, and then he did something.

23 And I think he -- he did a couple brief  
24 trainings to kind of get himself up to speed on a  
25 couple of things. And I'm not sure who provided

1 it, whether it was the State that trained him or  
2 what he did. I don't remember, but.

3 And then he just started observing at  
4 different parts of the election process. And he  
5 would talk to staff. He had a notebook, and he  
6 seemingly wrote every single thing that happened  
7 down in it.

8 Q. Did you have any understanding of what  
9 skills or experience he brought to this assignment?

10 A. My -- I was told that he had done some  
11 election observation missions or election  
12 observation jobs he had had overseas. I think all  
13 of them may have been in Africa.

14 He had done that, and I think that was all  
15 of the elections experience he had, he had done  
16 some of that observation. I don't remember what  
17 his other credentials were.

18 Q. Did he appear to have any experience with  
19 Dominion's B.M.D.s?

20 A. I don't think so, no.

21 Q. Did he appear to have any experience with  
22 the poll pads?

23 A. No. Not that I recall.

24 Q. Did he seem to have any experience with  
25 processing absentee ballots?

1           A.    I don't remember.

2           Q.    Okay.

3           A.    I don't think he had any specific domestic  
4 elections experience, if I remember. What he -- he  
5 had just done some things overseas. And I don't  
6 know for whom he did that. It might have been  
7 N.R.I. or N.D.I. or -- I don't remember.

8           Q.    Have you -- have you seen this report  
9 before, Exhibit Number 34?

10          A.    Yes.

11          Q.    Okay.

12          A.    Yeah, and I talked to him about -- and  
13 most of the things that are in it were  
14 unsurprising, because he and I had either talked  
15 about these things or, you know, he had made some  
16 recommendations.

17          Q.    Do you recall any of his recommendations  
18 surprising you or being really out of line with  
19 what you expected to see?

20          A.    Not really. I mean, no. I get, just get  
21 more surprised with how some people cherry-picked  
22 things out of them and they don't have -- they  
23 don't know the context or the background.

24                But I mean, you know, other than that, I  
25 don't think anything really caught me off guard,

1 no.

2 Q. And do you think it was an accurate  
3 portrayal of the topic that he was asked to assess?

4 A. I think for the most part -- I don't  
5 remember -- I mean, it's been -- the last time I  
6 read this was probably, it's been more than a year,  
7 I think, or about a year since I read it. But I  
8 don't remember being that taken aback by anything  
9 in it.

10 I mean, I think there were some things in  
11 the appendix that I may have taken issue with at  
12 the time, but no, I didn't really feel like -- I  
13 didn't have any major disagreements with him on  
14 anything. I might not have agreed with everything  
15 in it.

16 Q. Right. How has this report been used, to  
17 your knowledge?

18 A. Well, I don't know. I mean, I know  
19 there's a couple of commissioners that -- for  
20 Fulton County that I think misuse it. That's my  
21 opinion on it. I think they've taken a couple  
22 sections out of it, and they use it for their own  
23 political purposes because their candidate lost.

24 Q. Overall how would you rate the performance  
25 of the Fulton County election effort in November of



1 2020?

2 A. If you consider the fact that we lost 34  
3 people to COVID within three weeks of the election,  
4 I would say we did pretty damn well. We delivered  
5 the absentee ballots. We got them scanned. We --  
6 our early voting was almost perfect. You know,  
7 there were things we could have tightened up.

8 But I think some of the things that we had  
9 issues with were just the result of the pandemic.  
10 I mean, you know, we lost five of six managers in  
11 the warehouse. We lost 26 guys in the warehouse.  
12 So you know, that was a -- it gutted half of our  
13 work horse and all of our management staff but one  
14 person out there.

15 I think given, you know, as far as -- we  
16 received so many compliments from voters and even  
17 got great press that I felt like the election went  
18 really well.

19 The criticism, once Trump decided to do  
20 what he does and the Georgia legislature decided to  
21 pull in the -- you know, America's court jester,  
22 Rudy Giuliani and his group, I -- you know, then  
23 everything just seemed to -- there was just a lot  
24 of revisionist history that was written.

25 I don't think the Jan -- the January

1 election went extraordinarily well, even better  
2 than November.

3 Q. One could almost say flawless.

4 A. Yeah.

5 Q. And again, talking about new procedures,  
6 had there ever been an R.L.L. -- R.L. audit of an  
7 election before, of a presidential election?

8 A. We -- no. I mean, we had done a pilot of  
9 a -- of an R.L.A., and it was pretty simple. And  
10 we were set up to -- you know, we were going to --  
11 we were told by the State that they were going to  
12 pull about 250 to 275 ballots for our risk-limiting  
13 audit for the November election, and then it turned  
14 out we had to count every one by hand.

15 Q. Are those the kind of surprises that gives  
16 you, people like you a nightmare?

17 A. What, a full -- a full hand count of an  
18 election?

19 Q. Well, after expecting an R.L.A. of only  
20 270,000 votes to suddenly ramp up to have to count  
21 every vote?

22 A. Well, I mean, it wasn't --

23 MS. LAROSS: Object to the --

24 THE WITNESS: We weren't --

25 MS. LAROSS: -- form of the question.

1                   Excuse me, Mr. Barron. Go ahead.

2                   THE WITNESS: Yeah, no, it was like  
3                   275 ballots we were going to have to  
4                   count.

5                   BY MR. KNAPP:

6                   Q. Oh.

7                   A. And we had to count 527,000. So yeah, it  
8                   was a -- it was stunning. Especially knowing that,  
9                   even if we did that hand count, that with the  
10                  margin of victory that Biden had we were going to  
11                  have to do the machine recount anyway, and that  
12                  Trump would request the machine recount even though  
13                  we just did the hand count, it just seemed to me to  
14                  be a complete waste of resources.

15                  It cost us almost 900,000 dollars, I  
16                  think, to do that hand audit.

17                  Q. Who ended up paying that?

18                  A. The County.

19                  Q. And then let's see here.

20                  A. And the tool that we were given to record  
21                  all the counting was just -- I -- it can't be  
22                  termed as anything but a complete joke.

23                  Q. Explain what those tools were, and explain  
24                  what would be a much more legitimate and -- way to  
25                  go about that task.

1           A.     Well, we got a piece of software called  
2     Arlo. And it was not built for this. You -- we  
3     were only given one user, permission for one user.  
4     And so every county got permission for one user no  
5     matter the size. And we had to enter all of the  
6     batch sheets.

7                     After somebody -- after teams of two would  
8     count, they would turn in a batch sheet with their  
9     totals on it, and those would have to be entered.  
10    And when you would enter it, the system would just  
11    spin like it -- you know, like, when Apple has the  
12    little twirly --

13           Q.     Hourglass?

14           A.     (Inaudible due to cross-talk).

15           Q.     Uh-huh.

16           A.     It will -- it just will be non-responsive.  
17    And so somebody would just enter the information  
18    again without realizing that the system had already  
19    probably accepted the previous entry.

20                     And there was also no search feature in it  
21    unless -- the only way you could search for  
22    something is if you -- you had to know how the  
23    batch number and the description was entered  
24    previously.

25                     And if you -- if you didn't know whether

1       it was upper case or lower case, if you just put in  
2       all lower case and it had been entered upper and  
3       lower, you would not get anything out of your  
4       search result.

5               So trying to go back and do any  
6       reconciliation was almost impossible. I mean, we  
7       finally just had to -- it was just not built for --  
8       that system was not built for what -- for the  
9       purposes for the counties to use it for a hand  
10      audit.

11       Q.     This was --

12       A.     So it was very hard to record all of the  
13      information afterwards. It would have been better  
14      just to do an express -- an Excel spreadsheet.

15       Q.     Interesting.

16               Who selected the software?

17       A.     The State.

18       Q.     What input, if any, did they ask of you or  
19      your office in making that selection?

20       A.     I don't think they consulted with any  
21      counties on it. That's from what I've been told  
22      from other counties.

23       Q.     Do you have any understanding why they  
24      thought this tool would be sufficient to perform  
25      this task?

1 MS. LAROSS: Object to the form of  
2 the question.

3 THE WITNESS: No, I have -- I have no  
4 idea.

5 BY MR. KNAPP:

6 Q. Are you aware of products in the  
7 marketplace that are suitable for performing a  
8 recount of this nature?

9 A. No. But I think it would have been easier  
10 to use a Google document. I mean, at least you  
11 could have had multiple people working on it at  
12 once. And I think the hand audit, the results of  
13 the hand audit would have come out much easier and  
14 quicker.

15 Q. Do you feel that the voter observation  
16 rules are adequate to allow the poll workers to  
17 actually perform their tasks on an Election Day or  
18 in a tabulation of the vote?

19 A. Voter observation? Are you talking about,  
20 like, poll watchers?

21 Q. Actually both. But start with poll  
22 watchers, and then we'll talk about tabulation  
23 observation.

24 A. Well, I think most poll watchers are okay.  
25 But in some instances, and especially when you talk

1 about -- when you're talking about the hand audit  
2 or the recount, there were a lot of very  
3 aggressive, rude individuals that were there just  
4 to make trouble.

5 And I think that's what's happening with a  
6 lot of the poll watchers now as well. I mean, it  
7 just seems to -- something's changed about the way  
8 poll watchers operate in polling locations and how  
9 they behave. I think they're there to instigate  
10 conflict, which is unfair to the people that are  
11 working the election and -- because they have their  
12 own agenda.

13 So I mean, voters, as far as voters  
14 observing, I -- are you just talking about when  
15 they're in line what did they see?

16 Q. No. I was talking more about the recount  
17 and the R.L.A., what went on in the --

18 A. Oh.

19 Q. -- Georgia World Congress Center and all  
20 that.

21 A. Yeah, there -- the guidelines, you know,  
22 they -- I think the State sent -- had the Carter  
23 Center do some observation. And the Carter Center  
24 observers were appalled at one group of people that  
25 seemed to be there for no reason other than to

1       cause problems.

2           Q.     Is there any way to shield future  
3       elections from that unhelpful influence?

4           A.     Yeah. I think if the -- yeah, the State  
5       could set down strict rules and enforce -- you  
6       know, they could put -- lay down strict guidelines  
7       for observers to follow and ensure that, because  
8       the parties are the ones that have to do the  
9       training, ensure that the parties are -- political  
10      parties are training them correctly.

11                 Because there's no reason for there to be  
12      these -- you know, for people to act the way they  
13      do in the polling places.

14           Q.     Have you ever personally been threatened  
15      because of your role in the election system?

16           A.     Because of -- well, you mean because of  
17      the election system or just in my role as director?

18           Q.     In your role as director.

19           A.     Yeah. I mean, I -- yeah, I've got a bunch  
20      of threats. My staff, I think there were members  
21      of my staff that received way more than me. My  
22      staff was subjected to a ton of racial slurs, and a  
23      few of them, about three of them got lots of death  
24      threats. Some of them had people coming to their  
25      house.



1 I had my warehouse people were -- they  
2 were followed home from the warehouse. They had  
3 people flying drones over. They had people trying  
4 to get into the warehouse. People would take  
5 pictures of them entering and exiting the building,  
6 took pictures of all their license plates. Yeah,  
7 we had a lot of that.

8 Q. Have you seen a decline in willingness of  
9 either volunteers or your staff to work with future  
10 elections because of all this?

11 A. We've had, up until -- before 2020 --  
12 before 2021, we had more turnover in 2021 than  
13 we've had in my previous eight years combined. And  
14 I think a lot of people are really burned out.

15 Q. Are you confident that adequate numbers of  
16 properly motivated people could be trained in time  
17 to handle future elections?

18 A. Yes. I mean, for poll workers and such?  
19 Yeah, I think there's going to be enough interest  
20 to get people in place. I think, you know, you  
21 read around the country where, like, a third of all  
22 the elections directors in Pennsylvania have  
23 resigned. There's several in Georgia that have  
24 resigned or retired early.

25 And you -- there are other people in the

1 offices, in these elections offices that are  
2 leaving. It's, you know, at some point it's going  
3 to have an effect, a negative effect.

4 Q. Let's look at Exhibit Number 35, and then  
5 we'll take a break.

6 (Whereupon, Plaintiff's  
7 Exhibit 35 was marked for  
8 identification.)

9 MR. SPARKS: Exhibit 35 has been  
10 published. Sharing screen now.

11 THE WITNESS: Is this another -- is  
12 this -- did I click on the right wrong?  
13 This is another -- okay. Post-election  
14 executive summary. Oh, so is the other  
15 one --

16 BY MR. KNAPP:

17 Q. The other one was, and I'll read the title  
18 for you, State Election Board Report, November 2nd,  
19 2020. The Exhibit Number 35 --

20 A. Oh.

21 Q. -- seems to be the executive summary.

22 A. That was, like, after the January election  
23 and the -- okay. I understand the differences now.

24 Q. Okay. Have you seen Exhibit Number 35  
25 before?

1           A.    Yes.   But now I think I need to correct my  
2    comments, because I think the one -- the November  
3    2nd one, I think I read that one shortly after the  
4    November election.   This -- so that one's been  
5    longer than a year.   This one I think -- this  
6    covered all the elections from -- or I think this  
7    covered, I don't know if it covered December, but  
8    this included January.

9           Q.    That's correct.

10          A.    So okay.   Yeah.   I read this one probably  
11   a year ago.

12          Q.    And again, this Seven Hills Strategies,  
13   was this work performed by --

14          A.    Carter Jones.

15          Q.    -- Carter Jones?

16          A.    Yes.

17          Q.    And again, he did a lot of his work  
18   directly with you?

19          A.    Yes.

20          Q.    And he says in the -- in the paragraph  
21   under the title Fulton County's Compliance With  
22   Terms of Section 12 of the Consent Order that he  
23   witnessed no dishonesty, fraud, intentional  
24   malfeasance, ballot stuffing, double counting,  
25   fraudulent conduct of any nature while acting in

1       this role; correct?

2           A.     Yes.   Yeah, and he, I mean, he was on -- I  
3       would say he was on-site with different members  
4       of -- in different areas of the election.   He was  
5       spending at least eight hours a day observing  
6       things throughout the entire process for weeks on  
7       end.

8           Q.     Turning to the second page here, he's  
9       talking about in Paragraph Number 2:

10                "Although Fulton County allocated  
11                ample resources for absentee ballot  
12                processing leading into the general  
13                elections, the processes themselves  
14                were extremely sloppy and replete with  
15                chain of custody issues as the massive  
16                tied of ballots bounced around the  
17                Fulton governor's headquarters  
18                building."

19                You've talked about this previously,  
20       didn't you?

21           A.     Today?

22           Q.     Yes.

23           A.     Yeah, I talked -- yeah, we had, I think we  
24       had seven or eight locations where we were -- where  
25       we were managing the absentee process from.

1 Q. And if you move down two more paragraphs,  
2 there's a paragraph that reads as follows:

3 [As read] "Given the  
4 inefficiencies of this system, the  
5 volume of absentee ballots received,  
6 there was no way that Fulton could  
7 possibly comply with the mandate to  
8 process all absentee ballots by the  
9 close of business on the next business  
10 day after the ballot is received."

11 Do you see that?

12 A. Yeah.

13 Q. Do you know where that mandate comes from,  
14 that all of the --

15 A. I think that was part of -- I think that  
16 was in the, I don't know if Cheryl would remember,  
17 but I think -- I think that has to do with  
18 something that was in the consent order between  
19 County and the State.

20 Q. Would you agree with Mr. Jones' opinion  
21 that it's virtually impossible to comply with  
22 that -- with that mandate?

23 MS. LAROSS: Objection as to form.

24 THE WITNESS: "To process all  
25 absentee ballots by the close of business

1 on the next business day."

2 I think that -- well, we had so  
3 many -- we had so many rooms which we were  
4 working from. I don't know -- I mean,  
5 I -- maybe if we had had more -- I mean,  
6 one thing that he pointed out to me is he  
7 just thought we had too few middle  
8 managers to oversee all of the processes.

9 So had we had more full-time staff  
10 that were managers in place, maybe. I  
11 don't think it would have been possible,  
12 no.

13 But maybe given the way -- once they  
14 kind -- came into the building through the  
15 mail, to get them completely processed by  
16 the end of the next business day, yeah,  
17 that was -- it was pretty challenging at  
18 that time.

19 But was it impossible? I guess if we  
20 would have the -- enough staff, it  
21 wouldn't have been impossible. But maybe  
22 given what it was, yeah.

23 BY MR. KNAPP:

24 Q. And does the -- did you as executive  
25 director have sufficient resources that you could

1 hire enough people to make that happen?

2 A. I actually can't really bring in managers,  
3 because they -- I mean, I don't know where we would  
4 have got them. We didn't have the -- you know, we  
5 didn't have the budget to bring in new full-time  
6 staff.

7 Those would have had to have been  
8 authorized by the Board of Commissioners, and we  
9 would have to go through the whole H.R. process  
10 and -- no, we wouldn't have been able to do that.

11 But I think what -- you know, if you go  
12 down a couple paragraphs, or the next paragraph,  
13 you know, by the June election -- or by the January  
14 election, excuse me, we had moved everything to  
15 G.W.C.C. and the process, you know, the entire  
16 process seemed to run much smoother even without  
17 all of the managers because we had everything in  
18 one place.

19 Q. Yeah, see, he's very complimentary. He  
20 says:

21 [As read] "The run-off was a  
22 stark dichotomy and comparative great  
23 success. With the eyes of the world  
24 watching, Fulton was able to report  
25 106,117 absentee ballots, the vast

1 majority on Election Day itself.

2 [As read] "By the time the  
3 operation was closed at 2:00 a.m.,  
4 fewer than 5,000 absentee ballots were  
5 left to process.

6 "This small remainder, all  
7 received from ballot dropboxes on the  
8 evening of January 5th, is a testament  
9 to how hard the Fulton team worked to  
10 comply with this item in the consent  
11 order."

12 A. You know, I --

13 Q. Okay.

14 A. You know, you've got -- what you just  
15 read, too, and the way this report -- you asked  
16 earlier how this report is being, you know, used, I  
17 think first of all, I don't think people understand  
18 why we were using so many areas in the county just  
19 to get the process -- just to -- just to achieve  
20 what we did -- with the absentee by mail process,  
21 and then taking it -- and why we had so few  
22 managers in place.

23 And then once you get to January -- and we  
24 paid a ton of rent to get that area out at G.W.C.C.  
25 I mean, we were just -- you know, because of the



1 grant money that came in and because of the care  
2 response, we were able to just to -- just to expend  
3 money like there was no tomorrow to make sure that  
4 we could try to improve the system or the processes  
5 we had in place.

6 But you know, we don't have quite access  
7 to that same kind of money anymore. But I don't  
8 anticipate seeing absentee by mail numbers like  
9 this again, because the legislature's pretty much  
10 made sure that they're going to stamp down on  
11 people voting by mail.

12 Q. And SB-202 also eliminates your ability to  
13 accept grants from outside organizations, too, does  
14 it not?

15 Are we freezing up here or --

16 A. Oh, I, after I said something, then I  
17 just, I heard what sounded like somebody's voice  
18 got a half a word out, and that was the last I  
19 heard.

20 Q. Okay. Let me rephrase the question.

21 And you understand, do you not, that  
22 SB-202 has eliminated the ability of the county to  
23 accept --

24 A. Hello?

25 Q. -- money from third parties to help

1 finance such efforts; correct?

2 Okay. You froze again, it seems.

3 MR. KNAPP: Adam, why don't you take  
4 down that exhibit, if you can?

5 THE VIDEOGRAPHER: Do you want to go  
6 off the record?

7 The time is 3:03 p.m. We are now off  
8 the record.

9 (Whereupon, a discussion ensued  
10 off the record.)

11 (Whereupon, there was a brief  
12 recess.)

13 THE VIDEOGRAPHER: The time is 3:19  
14 p.m., and we're back on the record.

15 BY MR. KNAPP:

16 Q. Okay. Let's move on to a different topic.

17 MR. KNAPP: Adam, if you would pull  
18 up Exhibit Number 1 again, and go to Page  
19 7.

20 MR. SPARKS: Sharing the screen.  
21 It's up.

22 BY MR. KNAPP:

23 Q. Exhibit [sic] nine which starts on page --

24 MR. KNAPP: I'm sorry?

25 BY MR. KNAPP:

1 Q. Okay. Are we ready?

2 A. Yes.

3 Q. As you see, exhibit -- topic nine starts  
4 on Page 7, carries over to Page 8. Tell me, what  
5 knowledge, if any, do you have of any evaluation,  
6 study, investigation or assessment of the  
7 integrity, security or vulnerability of the  
8 Georgia's current election system or its prior  
9 G.E.M.S./D.R.E. election system?

10 A. This is at the top of number nine? This  
11 is topic number nine, you said?

12 Q. Yes, sir.

13 A. Hello?

14 Q. Yes. Can you not hear me? It's the  
15 top -- topic number nine in the paragraph, full  
16 paragraph at the top of number nine.

17 A. Oh, the paragraph before number nine?

18 Q. No. The actual -- well, it's all -- it's  
19 all one and the same. The paragraph is part of  
20 Paragraph 9, and then it then goes on to have  
21 additional Subparts A through D.

22 A. Okay.

23 Q. It's now highlighted by Mr. Sparks -- and  
24 I appreciate that -- in blue, it looks like.

25 A. Any testing, examination, re-examination,

1 evaluation, study, analysis, investigation of the  
2 security, integrity, rely -- have we done any of  
3 these things?

4 Q. That's --

5 A. No.

6 Q. -- the question.

7 A. No.

8 Q. To your knowledge has the Secretary of  
9 State's office done any of these things?

10 A. I don't know.

11 Q. To the best of your knowledge, do you know  
12 if the Secretary of State has retained any outside  
13 party to engage in any of these activities?

14 A. Not that -- not of which I'm aware. I  
15 mean, I've heard that some legislatures -- well,  
16 and some legislators have brought in some different  
17 voting system vendors that were up for the -- that  
18 were under consideration with the S.A.F.E.  
19 Commission and that they've brought them in since  
20 the November election.

21 Q. Are you familiar with any evaluations or  
22 work performed for the Secretary of State by  
23 Fortalice?

24 A. No. I've heard the name, and I think -- I  
25 think, and I don't remember where it was from, it

1 was -- I think it had to do with something on a --  
2 with a computer that they may have looked at at  
3 some point, but I'm not familiar with them.

4 Q. In the -- in this suit Alex Halderman  
5 of -- one of the leading experts on voting systems,  
6 examined the system and found vulnerabilities.  
7 Have you ever seen that report?

8 A. I've seen one report that was, like,  
9 authored in -- no, it was -- I don't think it was a  
10 report. I've seen something that he wrote for the  
11 Court in 2019. That's the only thing that I'm --  
12 of which I'm aware.

13 Q. Okay. And do you recall what it is that  
14 Dr. Halderman said in that report that was provided  
15 to the Court?

16 A. It seems like it was basically warning  
17 about what he considered to be some of the  
18 potential vulnerabilities of the system.

19 Q. And at this point in time, were the -- was  
20 the system the D.R.E. system?

21 A. No. I think it was considering the new  
22 voting system. And I don't -- I don't know if when  
23 he wrote that that the State had already decided  
24 upon Dominion's system. That may have been right  
25 after they -- the State purchased Dominion.

1 I can't re -- I don't know the exact date  
2 in which he submitted that to the Court, but it  
3 seemed as though it was pointing out things  
4 specific to Dominion.

5 Q. Do you agree or disagree with the various  
6 elements that Dr. Halderman set forth in that  
7 report that he, in his view, deemed to be  
8 vulnerabilities?

9 A. Not -- well, in whatever it was that I  
10 read that he wrote in 2019, I don't -- I can't  
11 remember what they call those, it wasn't -- they  
12 weren't interrogatories. It was more of like a --  
13 I can't remember what legal statement it was, but  
14 it was, like, 11 pages long.

15 Q. Like an affidavit?

16 A. Yeah. Maybe that was it. I didn't really  
17 find anything of concern in what he wrote. Because  
18 it just seemed like he was speculating on things  
19 that could possibly happen if this, this, this and  
20 this were in place, you know.

21 To me it was -- you know, it wasn't  
22 anything that caused me concern. But if he's  
23 written something since then, I don't know to what  
24 you're referring.

25 Q. Okay. And would it be correct to assume

1       that you've not read any recent affidavit from  
2       Dr. Halderman that's different from the 2019  
3       affidavit that you believe you saw?

4           A.     I don't think so. I mean, I don't know  
5       what you mean by "recent." But I would say if it  
6       was within the last year, definitely I haven't read  
7       it. I have not read anything. And if it was in  
8       2020, I'm not sure how much I would -- how much  
9       attention I would have paid to it or remembered  
10      from it.

11          Q.     Do you think it's prudent for Fulton  
12      County, or for that matter the State of Georgia, to  
13      periodically make an attempt to have an outside  
14      service to assess whether or not the system has any  
15      vulnerabilities?

16          A.     Do I think it would serve a purpose for  
17      the State to have somebody come in and look at it?

18          Q.     Yes.

19          A.     No. I mean, not -- I don't know. I just  
20      don't -- you know, from what I've seen of the  
21      system, you know, yeah, it's got -- it's two --  
22      it's expensive and it costs too much money, and  
23      it's put an unfunded mandate upon all the counties.

24                 I think if you talk to all the big  
25      counties, they're going to tell you -- not, maybe

1 not even the big counties, the small ones, too --  
2 that it's going to -- it's -- our election costs  
3 have gone up three times over what they were from  
4 the previous system.

5 So it is an expensive system to run. I  
6 mean, that's pretty -- that's, like, the most  
7 bothersome thing about it.

8 Q. In term --

9 A. You know, my --

10 Q. Go ahead.

11 A. I mean, at the moment there are some  
12 people that think that voters aren't looking  
13 comparing their ballots to -- you know, reading or  
14 reading over their ballots to make sure what  
15 they -- what they voted is correct on the ballot.

16 I see that mostly as a -- as a -- the  
17 responsibility of the voter or -- I don't think  
18 that's a county function to tell voters that they  
19 have to look at their ballot or try to force them  
20 to.

21 I mean, I think that would be more of a  
22 State responsibility to put out a campaign to do  
23 that. So I mean, they're the ones that purchased  
24 the system.

25 Q. If --



1           A.     But I think, just given the physical  
2     security that's in place and some other things, I  
3     think for the most part, you know, the system is --  
4     it's okay. It is too expensive, though. And  
5     there's too many parts to it.

6           Q.     If, in fact, Dr. Halderman revealed  
7     vulnerabilities, would you like to see the  
8     Secretary of State to try to address a cure for  
9     those vulnerabilities?

10           MS. LAROSS: Object to the form of  
11     the question.

12           THE WITNESS: I guess it would depend  
13     on what kind of vulnerabilities they were  
14     and whether they were -- you know, I've  
15     seen people make claims about  
16     vulnerabilities in certain systems but  
17     then -- and have theories on what could  
18     happen and what -- you know, but I -- then  
19     I've never seen any evidence that any of  
20     this stuff ever -- has ever happened.

21           So I don't know. I -- that's --  
22     there's, I guess, too much -- too much in  
23     that -- that's a loaded question.

24     BY MR. KNAPP:

25           Q.     Well, I understand in part perhaps where

1       that's coming from as there are different people in  
2       media today that use these type of issues for  
3       purposes other than to ensure the integrity of the  
4       system, whatever that might be.

5           A.     Uh-huh.

6           Q.     But your last response sort of reminds me  
7       of, like, well, we have to have a failure before we  
8       acknowledge that a vulnerability is something that  
9       has to be addressed.

10           Is that really what you feel, I mean?

11           A.     Well, I mean, my thing is that, you know,  
12       we've had what I call conspiracy theorists get out  
13       and say this, that and the other about these  
14       systems for 18 years, and they've never provided  
15       any evidence that anything -- in real -- the real  
16       world.

17           I will acknowledge that professors that  
18       can get a system, get access to a full system in a  
19       lab can break into it and do whatever they want  
20       with it, I mean, I -- that's -- but it doesn't seem  
21       like they're ever real world scenarios.

22           And so that's where I kind of draw the  
23       line on, you know. Especially in the states where  
24       you have -- every county has its own system, it  
25       makes it even more and more difficult to do

1 something.

2 I mean, if you're going to do something, I  
3 guess, you know, you want to attack at the State  
4 level here because they've got one place that  
5 provides the election projects for every county.

6 But once it's dispersed out to the  
7 counties, it gets harder and harder and harder to  
8 crack a system, because every county is separate.  
9 Nothing's connected to the network or the Internet.  
10 It just gets more and more difficult.

11 So I just, again, yeah, I just don't see  
12 that these laboratory things are real world  
13 scenarios that'll -- that would -- that would  
14 happen. I'm not saying it's impossible, but it's  
15 highly unlikely.

16 Q. If, in fact, one of the scenarios did  
17 actually fit your real world sense of things and  
18 represented a material vulnerability, do you think  
19 that there's a responsibility of the Secretary of  
20 State to try to cure such a -- such a condition?

21 MS. LAROSS: Object to the form of  
22 the question.

23 THE WITNESS: Yeah, I mean, if  
24 it's -- you know, I guess if somebody was  
25 able to come up with something where

1 thumb -- one thumb drive could somehow  
2 bounce something to every single B.M.D.,  
3 you know, you can think of these scenarios  
4 that could occur, or you have a rogue  
5 employee, you could probably do something  
6 to one county or have an effect on  
7 something in one county.

8 But I don't know. I, you know, I  
9 would have to, I don't know, I guess see  
10 something that was real.

11 I don't -- I think professors and  
12 certain people have a role in the process  
13 to make sure that things are secure and to  
14 remind people that they need to be secure.

15 But I also think that it's easy, it's  
16 nice and easy and sterile in a laboratory  
17 to produce results that don't necessarily  
18 translate out into the real world.

19 BY MR. KNAPP:

20 Q. If in the real world there was a  
21 vulnerability that allowed someone to get to the  
22 G.E.M.S. server, would that change your answer?

23 A. Oh, if somebody could get access to a  
24 server? You know, you don't -- and it was  
25 undetectable? Yeah, I mean, you could -- again, I

1 think -- yeah, I would -- but I don't -- I mean, I  
2 find it kind of hard to speculate on this stuff.

3 Q. Well, you've been hearing a lot of  
4 theories for a long time; right?

5 A. Yeah. Maybe my problem is that I seem to  
6 trust the people or my colleagues in my county and  
7 other counties that, you know, they're going to do  
8 the right thing. Maybe anymore after 2020 that's  
9 naive, but.

10 Q. I understand that you're no longer the  
11 executive director in Fulton County; is that  
12 correct?

13 A. I am until April 1st.

14 Q. Okay. Do you anticipate staying in the  
15 industry?

16 A. No.

17 Q. May I, if it's not too intrusive, may I  
18 ask why not?

19 A. Well, I don't, I mean, I don't really want  
20 to deal with -- I mean, most -- some of it has to  
21 do with personal life matters, and some of it has  
22 to do with I don't have really much respect for the  
23 elected officials involved in these things anymore.

24 I mean, you know, I've got -- there seems  
25 to be a big group of elected officials out there

1       that are cowards, and they don't want to -- they  
2       are in a cult now, the cult of Trump, and they're  
3       trying to ingratiate themselves with him. They're  
4       scared of their constituents. And so they allow  
5       all this crap to go on and these lies to be told.

6               And it's just kind of sickening and sad to  
7       me that we've come to this place where you have  
8       such a large number of elected officials that have  
9       no backbones and no principles. So I really don't  
10      want to be involved in the process that gets them  
11      elected anymore.

12             And unfortunately, most of them are in one  
13      party now. And I don't -- I'm not a part of  
14      something -- I don't care for either party really,  
15      especially being in this job for so long, but.

16             You know, I also don't really -- I don't  
17      want to deal with all the death threats and stuff.  
18      And I think the politicians, the elected officials  
19      could put a stop to a lot of this, but they don't  
20      really care about election workers or election  
21      officials, they just care about getting reelected.

22             And so all the threats and all the  
23      conspiracy theories and all that are going to just  
24      keep going on and on and on and on until they  
25      decide to stand up. And by that point it might be

1 too late. So.

2 And in Georgia it's just adversarial, I  
3 think. It's not worth the stress. It's not worth  
4 the money I get paid to deal with this stuff. I've  
5 been doing it 22 years, and I've never seen it like  
6 this. So.

7 Q. Let me try the next topic, which would be  
8 topic number ten. This essentially is complaints  
9 by third parties with regard to the security,  
10 integrity, reliability of the -- Georgia's current  
11 system. You touched on this in part with the last  
12 extended response that you gave. And let me  
13 reshape the topic slightly.

14 Have you had any what I -- what you would  
15 call real world complaints that you had to take  
16 seriously and at least investigate that called into  
17 question the integrity of the Georgia current  
18 election system or the prior G.E.M.S./D.R.E.  
19 election system?

20 A. Ones that I thought were systemic issues?  
21 Nothing that would have been systemic. I can't  
22 remember specific examples. I mean, I've had  
23 complaints where it's like I asked staff to do you  
24 think you can reproduce this or, you know, those  
25 types of things.

1           And you know, usually what we do is we  
2     get -- we'll get an -- I mean, most of the  
3     complaints that we get are from people who say, I  
4     received this ballot -- this candidate was not on  
5     my ballot.

6           And so we have to look up the ballot combo  
7     and determine whether that race -- and which  
8     candidates and which races are on that and  
9     determine if this voter, you know, if it was a  
10    human error in choosing the ballot combo on the  
11    poll pad.

12           You know, it's never really been anything  
13    with B.M.D.s or the printers. It's usually a human  
14    error with selecting a ballot combo on a poll pad.  
15    And whenever you have humans picking something,  
16    you're going to have an error from now -- now and  
17    then.

18           I don't remember anything specific that  
19    concerned me about the current voting system, you  
20    know. Usually what it turns out to be is human  
21    error on things when we look into it. I mean, if I  
22    get a complaint, I usually will assign staff to  
23    look at them.

24           Q.    Let's move on to topic number 18.

25           MR. KNAPP: Adam, if you'd pull up



1 Page Number 12 to Exhibit 1.

2 BY MR. KNAPP:

3 Q. Topic 18 has to do with any  
4 "communications with the U.S. Election Assistance  
5 Commission," or the E.A.C. as it's known --

6 A. Uh-huh.

7 Q. -- "regarding any software changes  
8 involving Georgia's current election system or  
9 relating to any request for E.A.C. to approve" any  
10 aspect or change to Georgia's past or current  
11 election system.

12 A. Okay. I don't remember having any -- I  
13 don't remember communicating with anybody from the  
14 E.A.C. about anything having to do with the  
15 election system. I mean, if I've been C.C.'d on an  
16 E-mail or something, I just have no recollection of  
17 that.

18 Q. Are you aware of anybody else in your  
19 office who had communications with E.A.C. about  
20 approvals?

21 A. No. And I'd be surprised if anyone -- I  
22 mean, I think most of my staff, they probably don't  
23 even know who the -- what the E.A.C. is.

24 Q. From your answer I infer that it's not  
25 something that has much relevance to what your

1 staff does on a day-to-day basis?

2 A. Right.

3 Q. Okay. Are you aware of any communications  
4 between the Secretary of State's office and the  
5 E.A.C. regarding requests for approvals of  
6 equipment or changes of equipment or software  
7 involved in the Georgia system?

8 A. No. I mean, I'm sure there was  
9 communication around that firmware update. I  
10 don't -- but I don't know what it would have been.

11 Q. You're not directly involved with that  
12 firmware update approval process?

13 A. No.

14 Q. Do you know who was on behalf of the  
15 Secretary of State?

16 A. I don't. I mean, I'm sure that somebody  
17 having to do with their -- I mean, I would imagine  
18 Gabe Sterling would have been or Chris Harvey.  
19 Because I think Gabe was in charge of the  
20 implementation of the voting system, so I'm sure he  
21 would have been the one that would have had  
22 communication with them if anybody did.

23 Q. Let's look at topic number 19:

24 "The voter verifiability and  
25 auditability of ballots generated by

1 B.M.D.s used in Fulton County for 2020  
2 and 2021 elections."

3 We've talked a little bit about the screen  
4 on the B.M.D.s and different systems as to whether  
5 or not, when a paper is printed, whether you can  
6 compare that back to the what was on the screen in  
7 terms of a voter verifying that the paper that's  
8 been generated by the B.M.D. is an accurate  
9 portrayal of their vote.

10 Do you have any other opinions about  
11 whether or not the B.M.D. produces a paper -- a  
12 record that a voter can verify?

13 A. Do I have what about the voter record that  
14 could be verified?

15 Q. Whether the voter can verify that their  
16 individual vote has been accurately recorded by the  
17 election system.

18 A. You mean do I -- do I have any views on  
19 whether or not the voters -- can you restate, like,  
20 the -- a question?

21 Q. I'll be glad to. I'm sorry. It was  
22 probably obtuse.

23 Are you aware of any policies implemented  
24 by Fulton County to ensure that the voters can  
25 verify that the paper ballot generated by the

1 system accurately records their vote?

2 A. No. I mean, we don't have anything in  
3 place that says, you know, voters need to -- you  
4 need to have the voters, make sure the voters  
5 verify what's on their ballot before they deposit  
6 it into the scanner.

7 I mean, I think we train poll workers to  
8 remind, you know, voters that they can -- you know,  
9 to follow the instructions that are on the screen,  
10 and before they -- before they put their ballot  
11 into a scanner, you know, if they -- if they're  
12 unsure that they received the correct ballot, to  
13 make sure a poll worker is aware of that before  
14 they deposit their ballot in the scanner.

15 Once you put your ballot into a scanner,  
16 the -- you know, you've cast it. But we don't do  
17 anything actively to tell voters they have to  
18 review their ballot for -- to see if it was  
19 correct.

20 Q. You're aware that the actual vote is  
21 embedded into whatever the, we didn't know whether  
22 it was a Q.R. code or just a barcode on the paper  
23 that's printed by the B.M.D.; correct?

24 A. Yeah.

25 Q. And so --

1           A.     Yeah, there's no way for the voter to  
2     verify what's in that.   So you know, they just have  
3     to -- they're supposed to review their ballots  
4     before they put it into the scanner.   I mean, I  
5     don't know -- I know Alex Halderman did something  
6     where he -- it's, like, less than 10 percent of the  
7     voters actually do that.

8                     That's probably even in line with what --  
9     and when I was part of the team that put the system  
10    in in Nevada with the VVPATs, you know, most people  
11    didn't look -- didn't really spend much time  
12    comparing their ballot to the -- what was under the  
13    glass.

14                    And a lot -- most of them would say, well,  
15    we live in Nevada, if somebody's going to try to  
16    hack in and steal something, it's not going to be  
17    the votes, it's going to be the money, you know.  
18    Really, I mean, I mean, it was a lot of voters in  
19    Nevada would say that.

20           Q.     Well, maybe we don't have as vulnerable of  
21    money here, that's why voters are more concerned.

22                    And do the same concerns carry over to  
23    whether or not the paper that's printed by the  
24    B.M.D.s can actually be audited, whether it's a  
25    risk-limiting audit or actual recount given the

1 Q.R. -- the code, whatever it is, is where the  
2 vote's embedded and not the text at the bottom of  
3 the ballot?

4 A. You mean does it -- is it a concern for me  
5 that what's in the code, the code is not the same,  
6 the Q.R. code is not -- may not be the same as  
7 what's printed, the bubbles on the --

8 Q. Yeah.

9 A. -- his mark is not in the bubbles, there's  
10 no way for the voter to verify those two things?

11 Q. Yeah. That those two things express the  
12 same vote.

13 A. I mean, I think that with you -- if you do  
14 a risk-limiting audit, you should be able to verify  
15 that. I know some people have different views on  
16 what -- how extensive the audit needs to be to  
17 verify that.

18 And I don't have a problem with more  
19 extensive audit, you know. I don't know. I mean,  
20 I guess if you get rid of the Q.R. code and barcode  
21 and you use a sys -- oh, I just got a message on  
22 my -- can you guys hear me?

23 Q. Yeah.

24 A. Okay. I, you know, I guess it would be --  
25 the best thing to do would be for there to be

1 minimal barcodes or Q.R. codes, and then whatever  
2 is on the ballot gets scanned somehow, just the  
3 content of the ballot. But I don't know what's  
4 involved in that.

5 Q. Are you aware that Dominion can provide  
6 "ballot on demand" printers?

7 A. That they can provide "ballot on demand"  
8 printers? Oh, you mean, like, for early voting  
9 locations?

10 Q. Or any application within either early  
11 voting or the actual Election Day in-person voting.

12 A. No, it doesn't surprise me that they can  
13 do that.

14 Q. And --

15 A. Yeah, I think I knew that.

16 Q. And if the State elected to add this to  
17 the current system, that the poll workers could  
18 print a ballot, a paper ballot for each voter when  
19 they check in?

20 A. And then have them mark it?

21 Q. Yeah. Then you could -- then you could  
22 have them mark it, you wouldn't have to have  
23 pre-printed ballots ahead of time, but it would  
24 allow the voter to use a hand-marked paper ballot  
25 and then -- to use that and deposit that into the

1 existing scanners that the State has and conduct an  
2 election in that manner?

3 A. Yeah, I mean, that's the one way you can  
4 get a -- you can solve early voting, I guess, as  
5 long as your system's up and running.

6 The problem is that, if you -- during  
7 early voting, even if you do that, with "ballot on  
8 demand" printers, if the system is down, you've got  
9 to have every ballot available and every -- you  
10 know, that's -- I think it complicates early voting  
11 if you go to that model.

12 Even -- because if the power goes down or  
13 something happens to the network for three or four  
14 hours, you're -- you've got a -- you've got a major  
15 issue.

16 So now you've got to switch to a system  
17 where they -- the voter has -- or the poll workers  
18 have to start handing ballots out, make sure they  
19 get the right ones out of the right folders, a lot  
20 of storage room, a lot of -- you have to have a lot  
21 of ballots available and have a mechanism to store  
22 them, train them on that entire procedure, the  
23 back-up procedure.

24 And it just enters -- a lot of other  
25 things are -- enter the process at that point with



1       that. So I don't -- I just don't think it works  
2       very well for early voting.

3           Q. Well, early voting is going to -- if the  
4       power goes down, it doesn't matter what system you  
5       have, if you have any electronic element, you're  
6       going to have a problem of that type; correct?

7           A. Yeah. But if you -- if you've got  
8       B.M.D.s, then the printer's in place. I mean, I  
9       guess you've got -- you've got back-up batteries.  
10      And I suppose -- I mean, those "ballot on demand"  
11      printers seem to require more than the printers we  
12      use now. I guess you could have a back-up. I  
13      don't know.

14          Q. Well, if you --

15          A. I just -- sorry. I think that -- I think  
16      it just works better during -- on Election Day.

17          Q. Do you -- are you giving any weight to the  
18      fact that the voter might feel more comfortable  
19      with that system being able to say that they're  
20      hand marking their ballot and, therefore, not --  
21      are not susceptible to this problem of the code  
22      embedded in a paper ballot versus the text as to  
23      which is actually the correct representation of  
24      their vote?

25          A. You know, the thing is that, it might

1 sound funny, but we get people that, if the  
2 system's down and they have to vote a hand-marked  
3 paper ballot or they're in emergency ballot  
4 procedure for whatever reason, the poll pads are  
5 down and -- we get people that complain about  
6 having to hand mark their ballots.

7 And it may seem like that wouldn't happen,  
8 but it does. I think people are so used to using  
9 touch screens, at least in Georgia, that, you know,  
10 you move away from that and I don't -- you know, I  
11 don't know if they're going to trust any system at  
12 this point.

13 Q. Let's look at topic number 20.

14 MR. KNAPP: Thank you.

15 BY MR. KNAPP:

16 Q. Mr. Sparks highlighted that in blue:

17 "Any actual or contemplated plans  
18 to place Georgia's current voting  
19 software or equipment in Fulton County  
20 with different voting software or  
21 equipment, such as B.M.D.s that do not  
22 generate barcodes for tabulation, or  
23 with hand-marked paper ballots as the  
24 primary means of in-person voting."

25 A. Have we content -- have we contemplated

1       that?

2           Q.     Yes.

3           A.     I think there's been a couple of elected  
4       officials in Fulton County that have talked to  
5       vendors, but my office hasn't. And I've been  
6       contacted by a couple of vendors that have -- I  
7       mean, there are a couple of vendors, I think, that  
8       have come to Georgia on the behest of legislators  
9       to replace the system.

10                But I mean, Fulton County hasn't ever --  
11       like, my board and my department, we haven't done  
12       anything with regard to that. But I know there are  
13       people out there that are -- that are trying to  
14       contact elected officials to get them to change the  
15       system.

16           Q.     And in Fulton County, we have sort of a  
17       unique system where you've got the Fulton County  
18       Commission which oversees the Fulton County Board  
19       of Elections and Registration, who then oversees  
20       your work?

21           A.     Yeah, I mean, the Fulton County Board of  
22       Commissioners, the only thing that -- they give  
23       us -- they approve our budget. The Board of  
24       Elections and Registrations actually oversees the  
25       department.

1 Q. Okay. And that board, again, to put the  
2 question back to you again, has that -- have any  
3 members of that board ever discussed with you any  
4 contemplation of changing the voting software  
5 equipment currently used in the Fulton County  
6 system from 2020 forward?

7 A. Oh, I think, yeah, I mean, Chairman Pitts  
8 asked me before whether there was any way that  
9 Georgia could change the system. And I told him  
10 that the State -- the State is the one that -- the  
11 State makes that determination.

12 And we at the county level, there's really  
13 nothing that can be done. We just have to -- we  
14 have to use and operate the system that the State  
15 mandates.

16 Q. At different times in litigation, the  
17 Secretary of State's contended that a lot of the  
18 operations and manners of elections are really up  
19 to the county and not to them.

20 Has that been your experience?

21 A. Yeah. I mean, that's true for the most  
22 part, yes. I think when you introduce a new  
23 system, it's up to the State to -- you know, I  
24 think in -- from what I read in 2000 whenever it  
25 was when the new -- the first -- the last system

1 was implemented in 2002 or 2004 and then again this  
2 time, that many people at the county level felt  
3 that the State did not do a good enough job in  
4 supporting the counties in rolling out the new  
5 system.

6 I think this time the COVID pandemic  
7 impacted that somewhat. But it sounded like it was  
8 a similar situation in both time periods where, you  
9 know, the, I think, counties expected a little more  
10 support from the Secretary of State offices back in  
11 early 2000 whatever it was and this time.

12 Q. Topic number 21 is very similar, so let's  
13 move on to that.

14 MR. KNAPP: Adam, can you pull up  
15 Exhibit Number 1 again?

16 BY MR. KNAPP:

17 Q. Has there been any talk that you're aware  
18 of at all among people responsible for Fulton  
19 County elections that there might be any  
20 implementation of hand-marked paper ballots as the  
21 primary means of voting in person in Georgia  
22 elections?

23 A. No. I mean, we considered it as a -- as  
24 an emergency procedure for November if we couldn't  
25 get our logic and accuracy testing done, but -- for

1 Election Day.

2 But as far as implementing it as the  
3 primary means of voting, no. I mean, I would -- I  
4 would have never supported it for -- if early  
5 voting was involved in it. There's no way.

6 Q. Even with --

7 A. If I had --

8 Q. Even with -- go ahead.

9 A. If I had my choice, I would go back to  
10 D.R.E.s without printers, because those were my --  
11 that was my favorite system. I think it's the  
12 simplest thing to maintain and operate, but. I  
13 think those are -- you know, people just -- people  
14 don't trust anything anymore. So.

15 Q. Let's talk about topic number 22 while  
16 we're at it, any Fulton County recommendations to  
17 the Secretary of State, including changes to the  
18 election system, are you aware of any  
19 recommendations made by anybody at Fulton County to  
20 the Secretary of State about changes to the current  
21 election system?

22 A. No. Not to change it out. I don't think  
23 so.

24 Q. Okay. And I think the question fairly  
25 encompasses also any kind of material change,

1 something short of swapping out the whole system  
2 but still a change that would be perhaps systemwide  
3 or serious in some form or fashion.

4 MS. LAROSS: Object to the form of  
5 the question.

6 THE WITNESS: I don't recall ever  
7 making any recommendations to the State.  
8 But I don't think that I would ever  
9 recommend anything to the State, because I  
10 just don't think that they would care to  
11 listen anyway. So.

12 And I don't think -- I mean, they  
13 don't have any sort of ability to make  
14 those changes themselves. Because I think  
15 the way the law reads, I think the  
16 legislature, you know, it's pretty much --  
17 I don't -- I don't think they could just,  
18 excuse me, change out a system even if  
19 they wanted to without going to the  
20 legislature and having them, you know,  
21 pass something.

22 BY MR. KNAPP:

23 Q. I don't disagree with your understanding  
24 of the system, but the question's slightly  
25 different than that. And just it goes to whether

1 or not there's ever been any recommendations by  
2 somebody in Fulton County to the Secretary of  
3 State's office as to changes that they were  
4 promoting to the system that they'd like the  
5 Secretary of State to consider.

6 MS. LAROSS: Object to the form of  
7 the question.

8 THE WITNESS: I don't -- I don't  
9 recall anything.

10 BY MR. KNAPP:

11 Q. Okay.

12 A. Except, you know, I mean, except some of  
13 the things I mentioned before, which the bulk file,  
14 you know, making that -- limiting how many -- you  
15 know, just limiting it to your surrounding counties  
16 for the -- who you're going to -- for what you're  
17 going to upload in the bulk file. You know, some  
18 of those -- there's some simple things that could  
19 be changed to make the process easier.

20 But I mean, the voting system, when I hear  
21 a voting system or election system, usually to me  
22 that means the components of the voting system. It  
23 doesn't mean every single part of the election  
24 system of -- so I don't know if you're  
25 concentrating mostly on the B.M.D.s, printers,



1       scanners, that system, or if you're delving into  
2       other parts of the entire process from beginning to  
3       end.

4           Q.     I think you correctly inferred that my  
5       primary focus is on the B.M.D., scanner system,  
6       poll pad system. But it also does encompass any  
7       other changes to the system.

8           A.     I mean, I think that I mentioned to  
9       somebody at the State you -- the poll pads, at  
10      least my personal preference would have been for  
11      them to integrate it into ElectioNet, or whatever  
12      V.R. system is there, and have cellular enabled  
13      poll pads so that we don't have to use laptops.

14                I thought the system originally when they  
15      had purchased poll pads, that it was going to be a  
16      cellular enabled poll pad that was going to allow  
17      us to check in live, voters check -- we were going  
18      to be able to log in to ElectioNet through those  
19      poll pads and mark voters that way, and we can't.

20                And so I didn't really understand why you  
21      go to all that expense and you don't just spend a  
22      little bit more on the system and make it simpler  
23      and more efficient. I mean, to me it was a waste  
24      to go as far as they did without taking it another  
25      step further.

1           Q.    Are you aware of any discussions to, in  
2           fact, take it a step further in the manner you  
3           describe?

4           A.    I think that, with this new V.R. system,  
5           that may be on the horizon at some point. But I  
6           don't know. I mean, I -- pretty much I know  
7           about -- as much about the new V.R. system as  
8           what's been released in the press.

9           MR. KNAPP: Let's take a ten-minute  
10          break. I think I'm very close to being  
11          done, but I want to make sure, check with  
12          my colleagues. Why don't we come back at  
13          4:20.

14          THE WITNESS: Okay.

15          THE VIDEOGRAPHER: The time is 4:08  
16          p.m. We are now off the record.

17          (Whereupon, a discussion ensued  
18          off the record.)

19          (Whereupon, there was a brief  
20          recess.)

21          THE VIDEOGRAPHER: The time is 4:23  
22          p.m. We are back on the record.

23          MR. KNAPP: I just have a few  
24          questions, and then I'm going to rest with  
25          this witness.

1 BY MR. KNAPP:

2 Q. Mr. Barron, were you involved at all in  
3 the collection of documents that were responsive to  
4 the documents requests that our clients served on  
5 the -- Fulton County?

6 A. You mean recently or just any time?

7 Q. Recently.

8 A. Oh, I remember having -- I had a  
9 conversation with a few of my staff and Marilyn  
10 Marks and our attorney and I think talking about  
11 the production of some of that stuff.

12 And then -- I mean, when we get those, I'm  
13 usually the one that direct -- tells -- directs the  
14 staff, who on the staff needs to get those  
15 documents, but I don't search for any of them, I  
16 mean, unless if the thing's directly to me.

17 Q. That's -- seems reasonable.

18 And to whom have you -- did you direct the  
19 collection of documents in this case on your staff?

20 A. In the most recent round, it's probably, I  
21 don't remember all the requests, but it -- I'm sure  
22 it was Dominic and Derrick and Nadine and -- I  
23 don't know who else it would have been besides  
24 them. And they're usually the ones that get most  
25 of the work for that. And then they may have

1       somebody help them.

2           Q.     Are you familiar with the Fulton County  
3     Board of Elections and Registrations document  
4     management policies?

5           A.     I guess, yeah, in general.  You're talking  
6     about, like, our retention rec -- retention and  
7     that sort of thing?  Yeah.  Yeah, I mean, I --  
8     yeah, we retain records for a couple of years and  
9     that -- you know, I have a general knowledge of it.

10          Q.     Do you know how long y'all retain E-mails  
11     from your E-mail system?

12          A.     That, I don't know.  That would be I.T.

13          Q.     From time to time have you ever had need  
14     to go back and look into past E-mails' history to  
15     look up a subject and encounter that you weren't  
16     able to reach back far enough?

17          A.     I don't know if I've ever encountered  
18     something that I can't find, you know, if I -- if  
19     I'm not at my P.C. or not logged in by V.P.N. --  
20     well, I think even with the V.P.N.

21                 If I'm not at my P.C., there's stuff  
22     that's in the Enterprise fault which I can -- I'll  
23     be able to read, like, the first sentence of an  
24     E-mail, but I have to be at my P.C. to actually  
25     retrieve that.  So.

1           Q.    To these people that you delegated the  
2           responsibility of collecting documents, can they  
3           reach into the vault to see --

4           A.    Yeah.

5           Q.    -- those things?

6           A.    Yeah.  Everybody can get into the  
7           Enterprise vault from their own -- for their own  
8           E-mails --

9           Q.    Okay.

10          A.    -- yes.

11          Q.    What if they were assigned the --

12          A.    I don't know how far that goes back.

13          Q.    What if they were assigned the  
14          responsibility of searching your E-mails, that is,  
15          it would not be their own, how far back can they go  
16          in the vault?

17          A.    The only person that can search my E-mails  
18          is my secretary.  I.T., I think, can go in and they  
19          can probably get to everything as far back as  
20          they -- but I don't know how far back they retain  
21          E-mails.

22          Q.    Are you aware of any documentation  
23          relating to the management of the election system  
24          in Fulton County that was inadvertently destroyed  
25          in recent years?

1           A.     The management of what that was destroyed?

2           Q.     Any documents relating to the election  
3     system maintained -- the documents maintained by  
4     Fulton County relating to the election system that  
5     may have been inadvertently destroyed or deleted in  
6     the last several years.

7           A.     With the current -- I don't know. Like,  
8     what kind of documents?

9           Q.     I wouldn't know. Because I don't know --

10          A.     I don't remember any.

11          Q.     -- if they were.

12                 MR. KNAPP: I don't have any further  
13     questions of this witness at this time.

14                 THE WITNESS: Is everybody frozen?

15                 MR. KNAPP: I think they are.  
16     They're stunned.

17                 THE WITNESS: Oh. I didn't know if  
18     everybody was frozen for a second.  
19     Because I had asked what kind of documents  
20     to which you were referring, so I  
21     didn't -- I don't know if you heard that.

22                 MR. KNAPP: I did.

23                 THE WITNESS: Okay.

24                 MR. KNAPP: And I -- did the court  
25     reporter, Debra, did you hear that?

1 I think we're good. I have no  
2 further questions for you at this time,  
3 Mr. -- I appreciate your diligence in  
4 being here and answering these questions  
5 to the best of your ability, and I wish  
6 you the best.

7 THE WITNESS: Thank you.

8 MS. RINGER: Just a second, Rick.  
9 Hold on. Let me check my notes to make  
10 sure I don't want to redirect. Just one  
11 second.

12 Okay. I'm fine. Ms. LaRoss?

13 MS. LAROSS: I have no questions.  
14 Thank you for your time today, Mr. Barron.  
15 Appreciate it.

16 THE WITNESS: You're welcome.  
17 Thanks.

18 THE VIDEOGRAPHER: The time is 4:29  
19 p.m. This concludes the deposition. We  
20 are now off the record.

21 (Whereupon, a discussion ensued  
22 off the record.)

23 (Whereupon, the reading and  
24 signing of the deposition by the  
25 witness was reserved.)

1

- - -

2

(Witness excused.)

3

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4

(Whereupon, the deposition

5

concluded at 4:30 p.m.)

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FIRM CERTIFICATE AND DISCLOSURE

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1           R E P O R T E R    C E R T I F I C A T E  
2   STATE OF GEORGIA )  
3   COBB COUNTY        )

4           I, Debra M. Druzisky, a Certified Court  
5   Reporter in and for the State of Georgia, do hereby  
6   certify:

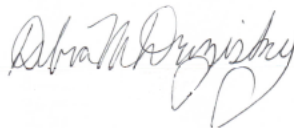
7           That prior to being examined, the witness  
8   named in the foregoing deposition was by me duly  
9   sworn to testify to the truth, the whole truth, and  
10   nothing but the truth;

11          That said deposition was taken before me  
12   at the time and place set forth and was taken down  
13   by me in shorthand and thereafter reduced to  
14   computerized transcription under my direction and  
15   supervision. And I hereby certify the foregoing  
16   deposition is a full, true and correct transcript  
17   of my shorthand notes so taken.

18          Review of the transcript was requested.  
19   If requested, any changes made by the deponent and  
20   provided to the reporter during the period allowed  
21   are appended hereto.

22          I further certify that I am not of kin or  
23   counsel to the parties in the case, and I am not in  
24   the regular employ of counsel for any of the said  
25   parties, nor am I in any way financially interested  
  in the result of said case.

        IN WITNESS WHEREOF, I have hereunto  
subscribed my name this 14th day of February, 2022.



---

Debra M. Druzisky  
Georgia CCR-B-1848

1 R E P O R T E R D I S C L O S U R E  
2 DISTRICT COURT ) DEPOSITION OF  
3 NORTHERN DISTRICT) RICHARD BARRON  
4 ATLANTA DIVISION )

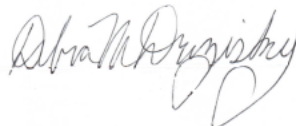
5 Pursuant to Article 10.B of the Rules and  
6 Regulations of the Board of Court Reporting of the  
7 Judicial Council of Georgia, I make the following  
8 disclosure:

9 I am a Georgia Certified Court Reporter.  
10 I am here as a representative of Veritext Legal  
11 Solutions.

12 Veritext Legal Solutions was contacted by  
13 the offices of Krevolin & Horst to provide court  
14 reporting services for this deposition. Veritext  
15 Legal Solutions will not be taking this deposition  
16 under any contract that is prohibited by O.C.G.A.  
17 9-11-28 (c).

18 Veritext Legal Solutions has no contract  
19 or agreement to provide court reporting services  
20 with any party to the case, or any reporter or  
21 reporting agency from whom a referral might have  
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24 usual and customary rates to all parties in the  
25 case, and a financial discount will not be given to  
any party in this litigation.



Debra M. Druzisky  
Georgia CCR-B-1848

1 Cheryl Ringer, Esquire

2 cheryl.ringer@fultoncountyga.gov

3 February 9, 2022

4 RE: Curling, Donna v. Raffensperger, Brad

5 1/31/2022, Richard Barron (#5043387)

6 The above-referenced transcript is available for  
7 review.

8 Within the applicable timeframe, the witness should  
9 read the testimony to verify its accuracy. If there are  
10 any changes, the witness should note those with the  
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of  
13 Deponent and Errata and return to the deposing attorney.  
14 Copies should be sent to all counsel, and to Veritext at  
15 cs-midatlantic@veritext.com

16  
17 Return completed errata within 30 days from  
18 receipt of testimony.

19 If the witness fails to do so within the time  
20 allotted, the transcript may be used as if signed.

21  
22 Yours,

23 Veritext Legal Solutions  
24  
25

1 Curling, Donna v. Raffensperger, Brad

2 Richard Barron (#5043387)

3 E R R A T A S H E E T

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6 REASON\_\_\_\_\_

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21 REASON\_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 Richard Barron

Date

25

1 Curling, Donna v. Raffensperger, Brad  
2 Richard Barron (#5043387)

3 ACKNOWLEDGEMENT OF DEPONENT

4 I, Richard Barron, do hereby declare that I  
5 have read the foregoing transcript, I have made any  
6 corrections, additions, or changes I deemed necessary as  
7 noted above to be appended hereto, and that the same is  
8 a true, correct and complete transcript of the testimony  
9 given by me.

10  
11 \_\_\_\_\_  
12 Richard Barron

\_\_\_\_\_ Date

13 \*If notary is required

14 SUBSCRIBED AND SWORN TO BEFORE ME THIS  
15 \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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19 NOTARY PUBLIC  
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